

Exhibit 78

Plaintiffs' Corrected Averment of Jurisdictional Facts and
Evidence and/or Statement of Facts as to Defendant Al Rajhi Bank
Pursuant to Rule 56.1

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5 IN RE: TERRORIST : 5

6 ATTACKS ON : 03-MDT-1570

7 SEPTEMBER 11, 2001 : (GBD) (SN)

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10 Thursday, February 21, 2019

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12 THIS TRANSCRIPT CONTAINS CONFIDENTIAL

13 MATERIAL

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15 Day 2 of the videotaped deposition of
16 ADNAN BASHA, taken pursuant to notice, was held
17 at the Park Hyatt Jeddah, Al Hamra District,
18 Southern Corniche, Jeddah, Saudi Arabia, 21432,
19 beginning at 3:03 p.m., on the above date,
20 before Lisa V. Feissner, RDR, CRR, Notary
21 Public.

22 — — —

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Testimony of: ADNAN BASHA

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By Mr. Carter 154

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(None.)

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(None.)

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8 Today's date is Thursday, February
9 21st, 2019. The time on the video
10 monitor is 3:03. My name is Thomas K.
11 Feissner, CLVS, and I am the
12 videographer. The court reporter is
13 Lisa V. Feissner, RDR, CRR. We are here
14 today on behalf of Golkow Litigation
15 Technologies, Philadelphia,
16 Pennsylvania.

23 (By stipulation of the parties, the
24 Interpreter was previously duly sworn by

1 the court reporter to translate the
2 proceedings herein from English into
3 Arabic and from Arabic into English to
4 the best of his ability.)

5 (Unless indicated otherwise, all
6 questions and answers are through the
7 Interpreter.)

8 ADNAN BASHA,

9 having been previously duly sworn by the court
10 reporter by stipulation of the parties, was
11 examined and testified through the Interpreter
12 as follows:

13 EXAMINATION

14 BY MR. CARTER:

15 Q. Good afternoon, Dr. Basha. Can you
16 hear me okay?

17 A. Good morning to all the gentlemen
18 in your room.

19 Q. Thank you. Dr. Basha, although we
20 took a break, I assume you're aware that you
21 remain under oath?

22 A Yes

23 Q. During our discussion yesterday, we
24 briefly talked about the Kingdom's Ministry of

1 Islamic Affairs. Do you recall that exchange?

2 A. Yes.

3 Q. And I believe you told me that you
4 were familiar with the Ministry of Islamic
5 Affairs; is that correct?

6 A. Not familiar in terms I work for
7 it.

8 Q. No, but you know what the entity
9 is?

10 A. Yes.

11 Q. And during the time you were
12 serving as Secretary General between 1997 and
13 2001, did you have interactions with the
14 Ministry of Islamic Affairs?

15 A. No.

16 Q. Did you, in your capacity as the
17 Secretary General of the IIRO between 1997 and
18 2001, have communications with the Ministry of
19 Islamic Affairs?

20 A. I had communication with the Deputy
21 Minister.

22 Q. Do you recall ever having
23 communications with the Minister of Islamic
24 Affairs?

1 A. I do not recall.

2 Q. You mentioned a moment ago that you
3 had communications with the Deputy Minister of
4 Islamic Affairs. Who was that during the time
5 you had those communications?

6 A. His name is Abdulaziz Al-Omar.

7 Q. And do you recall what the purpose
8 of your communications with him was?

9 A. He was a member -- before I joined
10 the IIRO, he was a member in a committee called
11 the committee for local and external offices,
12 in his personal capacity.

13 Q. Was that a committee of the IIRO?

14 A. Yes.

15 Q. And was he serving as the Deputy
16 Minister of Islamic Affairs while he was
17 serving on that IIRO committee?

18 A. He was promoted to become a Deputy
19 Minister later on. While he was serving in
20 that committee, he held a position in the
21 Ministry, but I do not remember exactly what
22 that position was.

23 Q. What was the purpose of that
24 committee in the IIRO?

1 A. That committee was responsible for
2 the coordination of the work between the local
3 and the external offices of the IIRO.

4 Q. How many members did that committee
5 have?

6 A. I do not exactly recall, but I
7 think it's between eight to ten people or more.

8 Q. And do you recall who was the chair
9 of that committee during the period we've been
10 discussing?

11 MR. LEWIS: Objection, period you
12 were discussing? Can you -- you've
13 discussed a number of periods. Do you
14 want to clarify a time frame?

15 Q. During the period 1997 to 2001, do
16 you recall who was the chair of the committee?

17 A. The Secretary General of the IIRO.

18 Q. And in your capacity as the
19 Secretary General of the IIRO, did you serve as
20 the chair of that committee?

21 A. Yes, in my capacity as the
22 Secretary General, yes.

23 Q. And for purposes of this work, did
24 that committee receive reports from the

1 internal offices in Saudi Arabia and external
2 offices of the IIRO?

3 MR. LEWIS: Objection to form.

4 He can answer.

5 A. The committee was responsible for
6 the general blueprint of the policies and
7 procedures in the local and the external
8 offices and how to develop them.

9 Q. During the period between 1997 and
10 2001, do you recall how often the committee
11 met?

12 A. I recall that it had annual
13 meetings, but I do not remember exactly how
14 many meetings the committee held during that
15 period.

16 Q. And do you know whether minutes of
17 the committee's meetings were prepared in each
18 instance?

19 A. Supposedly, yes.

20 Q. Returning for the moment to the
21 Ministry of Islamic Affairs, did you, during
22 the period between 1997 and 2001, have an
23 understanding of what the Ministry of Islamic
24 Affairs' role was?

1 A. It is a ministry responsible for
2 the mosques and endowments inside Saudi Arabia.

3 Q. Do you know whether the Ministry of
4 Islamic Affairs had any responsibility for
5 conducting or directing da'wah activities
6 outside of Saudi Arabia?

7 A. I do not know about that.

8 Q. Do you know whether the Ministry of
9 Islamic Affairs had any role in da'wah
10 generally?

11 A. For the da'wah inside Saudi Arabia,
12 yes, this is their scope.

13 Q. Did the IIRO conduct any da'wah
14 activities inside Saudi Arabia?

15 A. Before I answer, I want to
16 understand what is meant by the expression
17 "da'wah."

18 Q. Well, it's an Arabic expression
19 that I've seen most commonly interpreted as
20 "propagation," but when I used the English
21 term, you told me you didn't understand what it
22 was. So I'm trying to use the term in the
23 IIRO's own documents.

24 A. Da'wah inside Saudi Arabia is not

1 the -- something that is of interest for the
2 IIRO, inside Saudi Arabia.

3 Q. So the IIRO's efforts with regard
4 to da'wah were external-focused?

5 A. Yes. And I said yesterday that by
6 "da'wah," we mean the psychological
7 rehabilitation of the victims of disasters and
8 wars.

9 Q. Would da'wah include educating
10 people about Islam?

11 MR. LEWIS: Objection to form.

12 A. "Da'wah" means -- "da'wah" means
13 establishing the Islam with Muslims and
14 teaching them the principles and the guidelines
15 of Islam.

16 MR. NASSAR: We have an objection
17 to the translation. I think what the
18 witness stated was, "Da'wah means
19 maintaining the faith," as opposed to
20 "establishing Islam for the Muslims."

21 INTERPRETER: Yes. It is, "Da'wah
22 means the maintaining of faith with the
23 Muslims and teaching them the principles
24 and the guidelines of Islam."

1 MR. NASSAR: Okay, thank you.

2 Q. Did the IIRO sponsor propagators?

3 MR. LEWIS: Objection to form.

4 A. There are some propagators
5 affiliated with the IIRO in the areas of
6 disasters and calamities.

7 Q. And what was their job?

8 A. They work alongside the relief
9 actors and amongst Muslims, and they try to
10 monitor any psychological effects that has
11 occurred to the Muslims because of the
12 disasters.

13 Q. During the time that you were
14 Secretary General, did the IIRO ever seek to
15 coordinate its work with the Ministry of
16 Islamic Affairs?

17 A. No.

18 MR. CARTER: I'm sorry, what was
19 the answer?

20 INTERPRETER: The answer was "no."

21 MR. CARTER: I'd like to ask the
22 court reporter to mark as Basha-138 a
23 document that was produced at IIRO
24 285019.

1 (Exhibit Basha-138 marked for
2 identification and attached to the
3 transcript.)

4 BY MR. CARTER:

5 Q. Dr. Basha, you should have an
6 English translation as well as the original
7 Arabic document produced by the IIRO. Please
8 take a moment to review the document.

9 A. Yes.

10 Q. Dr. Basha, do you recognize that
11 document?

12 A. Yes.

13 Q. Did you author that document?

14 A. I have signed it.

15 Q. So it issued under your signature?

16 A. Yes.

17 Q. And is this a letter to the
18 Minister of Islamic Affairs?

19 A. Yes.

20 Q. So at least in this instance, it
21 appears that you had a communication with the
22 Minister of Islamic Affairs, correct?

23 A. This was a letter addressed from
24 the IIRO to the Minister in which the IIRO

1 expresses its interest in coordinating the
2 steps for sponsoring the propagators outside
3 Saudi Arabia, and to estimate their
4 compensations and the performance appraisal
5 reports and the reports of the field visits and
6 training, and to take advantage of every
7 training course that is conducted to train the
8 propagators.

9 So this was like a proposal from
10 our brothers within the IIRO, and this letter
11 went to the Minister, but we did not receive
12 any reply.

13 Q. My question was much more simple.
14 Is this a letter that issued from you to the
15 Minister of Islamic Affairs?

16 A. It is issued from the IIRO under
17 the signature of the Secretary General of the
18 IIRO.

19 Q. And you were the Secretary General
20 of the IIRO who signed the letter, correct?

21 A. Yes.

22 Q. And as I understand it, this letter
23 issued on September 12th, 2000; is that
24 correct?

1 A. I do not know the corresponding
2 date because the date within here in the Arabic
3 document is in the Hijri calendar.

4 Q. And what is the Hijri date?

5 A. 21st of the 6th month of the year
6 1421 Hijri.

7 Q. The first full paragraph of the
8 text of the letter indicates that, the
9 International Islamic Relief Organization in
10 the Kingdom of Saudi Arabia has placed at the
11 top of its priorities since its establishment
12 to make the Islamic propagation a central
13 foundation of its activities and a targeted
14 goal of its programs.

15 Do you see that text?

16 A. Yes.

17 Q. Do you agree with that statement?

18 A. I agree with this statement when it
19 is coupled with the statements that follow.

20 Q. Well, let's turn to the statements
21 that follow. The next statement indicates
22 that, Therefore, all the activities of the
23 Organization, such as supporting of the
24 orphans, relief of the affected, sheltering of

1 the refugees, as well as providing health and
2 educational care and seasonal programs, et
3 cetera, were connected with the propagation
4 mission.

5 Do you agree with that statement?

6 A. Yes, I agree with it when it is
7 said "the da'wah goal," not "propagation."

8 Q. Are you disagreeing with the term
9 "propagation," or are you just saying you don't
10 know what it means?

11 A. I understand that the da'wah
12 carried out by the IIRO for the refugees and
13 the orphans was to maintain the Islam that they
14 had within.

15 Q. The letter goes on to indicate that
16 the IIRO was supporting 1,000 propagators in
17 more than 20 countries.

18 Was that statement correct when
19 this letter was written?

20 A. The figure 1,000 propagators was
21 estimated. I do not recall the exact number
22 now.

23 Q. But the IIRO did have a significant
24 number of propagators working outside of Saudi

1 Arabia?

2 MR. LEWIS: Objection to the term
3 "propagators," which is -- is not a
4 precise translation.

5 A. I do not think that 1,000 is a big
6 number -- is a significant number.

7 INTERPRETER: Sorry. Just to make
8 the answer clear, he said, "I do not
9 think that the figure 1,000 is a
10 significant number."

11 MR. NASSAR: Sorry, we have an --
12 (Cross-talk.)

13 Q. (Inaudible) know whether the
14 propagators supported by the IIRO were required
15 to provide any sort of reporting regarding
16 their activities?

17 MR. NASSAR: Sorry, we have an
18 objection to the previous translation.
19 I think what the witness said was that,
20 "I don't think we reached that
21 significant number," not that "1,000 is
22 not a significant number."

23 (The witness and interpreter
24 conferred in Arabic.)

1 INTERPRETER: The witness is saying
2 now that, "We did not reach that figure.
3 And for this reason, it was
4 insignificant."

5 Q. Are you saying the IIRO did not
6 reach a level of support of 1,000 propagators?

7 A. The text says that. It says "about
8 1,000." So it means it is less than that in
9 Arabic.

10 Q. Does it mean that it's nearly
11 1,000?

12 A. "About" means "around."

13 Q. So were there around 1,000
14 propagators required to submit any reports to
15 the IIRO relating to their activities?

16 A. Reports should be enlightened if
17 there is a permanent work for them. But the
18 vast majority of them were either voluntary
19 propagators of da'wah or people who receive
20 some symbolic bonuses. So they are not full
21 time.

22 MR. CARTER: Can you read back the
23 answer?

24 INTERPRETER: The answer was as

1 follows -- this is --

2 (The witness and interpreter
3 conferred in Arabic.)

4 MR. NASSAR: It probably was
5 "reports should be submitted" instead of
6 "enlightened"?

7 INTERPRETER: "Reports should be
8 submitted if there is a permanent work
9 for them. But the vast majority of them
10 were either voluntary propagators of
11 da'wah or people who would receive some
12 symbolic bonuses. So they were not
13 full-time employed."

14 MR. NASSAR: We have an objection
15 to the translation. I think instead of
16 "bonuses" the more proper translation
17 would be "stipends."

18 Do you agree?

19 (The witness and interpreter
20 conferred in Arabic.)

21 THE WITNESS: (In English.)

22 "Rewards," maybe.

23 INTERPRETER: The witness stated
24 "bonuses."

1 Q. The letter mentions that part of
2 the work being carried out by this group
3 included the distribution of Islamic
4 publications and tapes.

5 Do you see that?

6 MR. LEWIS: Objection to the
7 characterization of the sentence,
8 mischaracterization.

9 A. Yes, I see it.

10 Q. As part of its work, did the IIRO
11 distribute Islamic publications and tapes?

12 A. Here in the letter it says that it
13 is the function of the committee to oversee the
14 propagators, then conduct the courses. But
15 the -- it does not say that the propagators
16 were distributing the publications and the
17 tapes then.

18 Q. Again, my question was a bit
19 different. During the time that you served as
20 the Secretary General of the IIRO, did the IIRO
21 distribute Islamic publications and tapes?

22 A. When Islamic publications and tapes
23 are gifted to the IIRO, and there are no
24 comments or observations about these materials,

1 yes, they are given to the propagators for
2 distributing them.

3 Q. And what about audiotapes, during
4 the period before 2002, did the IIRO distribute
5 audiotapes?

6 A. This is what I said actually. If
7 there are publications or tapes that are gifted
8 to the IIRO from reliable entities, and the
9 text or the contents of these materials is
10 approved by the committee of da'wah in the
11 IIRO, yes, they are distributed.

12 Q. And were publications or audiotapes
13 ever donated to the IIRO by agencies of the
14 Saudi government?

15 A. No. We'd receive publications and
16 tapes from charities, local charities in Saudi
17 Arabia.

18 Q. Would the IIRO retain copies of
19 donated publications and audiotapes that it
20 distributed?

21 A. I do not think so because these are
22 sent directly to the propagators outside.

23 Q. Returning to Basha-138, was the
24 IIRO proposing in this letter to coordinate

1 with the Ministry of Islamic Affairs the work
2 of the propagators?

3 A. This is what is in the letter. It
4 is about the coordination between the committee
5 of da'wah in the IIRO and the committee of
6 da'wah in -- and the department, sorry, and the
7 department of da'wah under the Ministry, and in
8 the five items mentioned in the letter.

9 Q. And was part of the logic for
10 proposing this coordination that it would help
11 to avoid wasting resources and capacities?

12 A. Yes.

13 Q. And was it the view of the IIRO
14 that there was a possible duplication of the
15 work of its propagators and those working for
16 the Ministry?

17 A. The duplication if there are
18 propagators from the IIRO and the Ministry in
19 the same area, this is number one. Especially
20 in needy areas. And to have somehow
21 consolidated reports about the field visits and
22 the performance appraisal, and not to duplicate
23 conducting training or courses in order to
24 avoid wasting the resources, and to build the

1 capacities of propagators from one single
2 entity.

3 Q. So was it the view of the IIRO that
4 its propagators were essentially doing the same
5 work as the propagators of the Ministry?

6 MR. LEWIS: Objection to form.

7 A. I do not know the job descriptions
8 of the propagators under the Ministry, and
9 therefore I cannot assert that their mission is
10 the same.

11 Q. In the letter, the IIRO cites as
12 one of the reasons for coordinating efforts of
13 the IIRO and Ministry, that all of our efforts
14 are attributed to our beloved Kingdom which
15 raised the banner of the Islamic propagation
16 and undertook the propagation duties.

17 Do you see that?

18 A. Yes, I see it.

19 Q. So in this letter, the IIRO was
20 representing that its propagation activities
21 were properly attributed to the Kingdom,
22 correct?

23 MR. LEWIS: Objection to form.

24 A. The sentences in the Arabic

1 language do not carry the same meaning as in
2 the English.

3 Q. What does the Arabic mean?

4 A. The meaning is that the da'wah is a
5 field for contribution in order to consolidate
6 the efforts, and not to waste the efforts and
7 the capacities.

8 Q. Is that the translation, in your
9 view, of the sentence we were talking about?

10 A. In my opinion, this is what is
11 meant by the IIRO.

12 Q. Does the Arabic document, in your
13 view, state that the Kingdom raised the banner
14 of the Islamic propagation and undertook the
15 propagation duties?

16 A. This is a question to be directed
17 to the Ministry. I have no idea about that.

18 Q. You have no idea whether the
19 Kingdom of Saudi Arabia raised the banner of
20 the Islamic propagation?

21 A. Well, this is the problem of the
22 terminology. In Arabic, here, it does not mean
23 that there is a banner for Islamic propagation
24 and that Saudi Arabia is carrying this banner.

1 But it means that Saudi Arabia has efforts in
2 the field of Islamic propagation, and it is
3 well-known for that. That's it.

4 Q. And the letter is citing its
5 well-known role in that as part of the basis
6 for coordinating the efforts of the IIRO and
7 the Ministry, correct?

8 MR. LEWIS: Objection to form.

9 A. The coordination is about
10 cooperation between the committee of da'wah
11 under the IIRO and the department of da'wah in
12 the Ministry. And the text does not carry any
13 other meanings.

14 MR. NASSAR: And Sean, we're going
15 to object to that characterization of
16 the document. I think the witness has
17 already stated that the letter went out
18 to the Ministry, but it wasn't responded
19 to or accepted.

20 MR. CARTER: Okay. So the court
21 reporter -- or the translator asked to
22 take a break every hour and a half, so
23 why don't we do that now.

24 MR. LEWIS: Every hour and a half?

1 We've only gone 50 minutes.

2 Do you want a -- I mean, do you
3 want a break?

4 INTERPRETER: It's okay. You said
5 you never turn down a break.

6 THE WITNESS: (In English.) Let's
7 stick to one and a half hours.

8 INTERPRETER: It's okay.

9 MR. CARTER: Oh, I'm sorry. I'm
10 sorry, I misread my clock. I'm sorry, I
11 misread my clock. I apologize.

12 MR. LEWIS: Yeah, it will be easier
13 to coordinate with prayer time here and
14 do it that way because the next prayer's
15 at --

16 MR. CARTER: We can continue.

17 MR. LEWIS: Thank you.

18 MR. CARTER: I'd like to ask the
19 court reporter to mark as an exhibit a
20 document produced at IIRO 287198.

21 (Exhibit Basha-139 marked for
22 identification and attached to the
23 transcript.)

24 MR. CARTER: And that will be

1 Basha-139.

2 BY MR. CARTER:

3 Q. Dr. Basha, have you had a chance to
4 review Basha-139?

5 A. Yes.

6 Q. Is that a communication that issued
7 under your signature when you were Secretary
8 General?

9 A. Yes.

10 Q. What was the subject matter of this
11 communication?

12 A. In order to improve the work of the
13 IIRO office in Chad, and to establish a
14 committee to oversee the work of the office, so
15 a three-member committee was established for
16 this purpose.

17 Q. Do you recall what prompted the
18 decision to establish a committee for the
19 office in Chad?

20 A. Yes. This decision was issued
21 after the position of the office manager became
22 vacant. And there was no person with the
23 leadership skills, and the people working in
24 the office were locals, and therefore this

1 committee was established until a qualified
2 person is appointed to fill in this position.

3 Q. And the letter indicates that you
4 appointed as the chairman of this committee
5 Mr. Jalwi Abdul Karim Al-Ashqar, and it
6 identifies him as the Supervisor of the Islamic
7 File at the Embassy.

8 Do you see that?

9 A. Yes.

10 Q. Do I understand from that that
11 Mr. Al-Ashqar was an employee of the Saudi
12 Embassy in Chad?

13 A. Yes.

14 Q. And was he in charge of the Islamic
15 Affairs department at the Embassy?

16 A. This is what the decision says,
17 yes.

18 Q. In that capacity, do you know
19 whether he was an employee of the Ministry of
20 Islamic Affairs?

21 MR. LEWIS: Objection to form.

22 A. I do not know.

23 Q. And later in the letter, am I
24 correct that you designated Mr. Al-Ashqar to be

1 the primary signatory on the IIRO's accounts at
2 the banks?

3 A. Yes, primary signatory with two
4 other signatories.

5 Q. So the committee you established to
6 oversee the IIRO's office in Chad was headed by
7 an employee of the Saudi Embassy who held
8 primary signatory authority over the IIRO's
9 bank accounts?

10 MR. LEWIS: Objection to form.

11 A. This authority is not activated
12 unless there is a direct approval from the
13 Secretary General.

14 Q. But that's not what I asked. I
15 asked whether or not the committee you
16 established was headed by an employee of the
17 Saudi Embassy who held primary signatory
18 authority over the bank accounts.

19 MR. LEWIS: Same objection.

20 A. Yes. And this is what I answered.
21 I said that he is primary signatory, but he
22 does not act alone unless he receives written
23 approvals from the Secretary General.

24 MR. CARTER: I'd like the court

1 reporter to mark as Basha-140 a document
2 produced by the IIRO at IIRO 129743
3 through 129744. And you should have
4 both the original Arabic and an English
5 translation.

6 (Exhibit Basha-140 marked for
7 identification and attached to the
8 transcript.)

9 BY MR. CARTER:

10 Q. Dr. Basha, have you had a chance to
11 review Basha-140?

12 MR. LEWIS: He just got it a second
13 ago, so he hasn't.

14 MR. CARTER: Okay. Sorry.

15 A. Yes.

16 Q. Dr. Basha, is this a communication
17 that issued under your signature?

18 A. Yes.

19 Q. And did you issue this in your
20 capacity as Secretary General of the IIRO?

21 A. Yes.

22 Q. Am I correct that this letter
23 concerns the formation of a committee to manage
24 the IIRO's office in Mauritania?

1 A. Yes.

2 Q. Do you recall what prompted your
3 decision to establish a committee to manage the
4 office in Mauritania?

5 A. It is the same reason that applied
6 to the office in Chad. The position of the
7 office manager became vacant, and the assistant
8 manager was requested to act as the manager,
9 and therefore there was an administration
10 vacuum, and in order to address that in a
11 temporary manner, this committee was
12 established until further appointments are
13 made.

14 Q. Do you recall why the head office
15 position became vacant?

16 A. It seems that a Saudi person was
17 managing the office, and then he did not wish
18 to continue, and he returned back to Saudi
19 Arabia. And this is before I joined the IIRO.

20 Q. Was there a period of time where --
21 strike that.

22 The committee that you established
23 through this letter included three members,
24 correct?

1 A. Yes.

2 Q. And one of the individuals you
3 appointed to serve on this committee was
4 Mr. Ahmed bin Gharamullah Al-Zahrani, correct?

5 A. Yes.

6 Q. And the letter identifies him as an
7 employee of the Saudi Embassy responsible for
8 Islamic affairs, correct?

9 A. Yes.

10 Q. And did you speak to Mr. Al-Zahrani
11 about his appointment to this committee?

12 A. The person who spoke to him was the
13 person in charge of this work at that time,
14 Mr. bin Omar Li, who chaired the committee.

15 Q. And through this letter, did you
16 also designate Mr. Al-Zahrani as one of the
17 signatories on the IIRO's bank accounts?

18 A. Yes, but not the primary signatory.

19 MR. CARTER: I'd like the court
20 reporter to mark as Basha-141 a document
21 produced by the IIRO at IIRO 284663.

22 (Exhibit Basha-141 marked for
23 identification and attached to the
24 transcript.)

1 THE WITNESS: Yes.

2 BY MR. CARTER:

3 Q. And is this communication you
4 issued under your signature as Secretary
5 General of the IIRO?

6 A. Yes.

7 Q. And did this communication issue in
8 September of 2001?

9 A. The date stated here is in the
10 Hijri calendar, and I cannot assert that it
11 coincides with that particular date in the
12 Gregorian calendar.

13 Q. And I'm not sure, but are there
14 Gregorian dates referenced in the text of the
15 Arabic letter?

16 A. Yes, there are.

17 Q. And does it reference letters
18 dating to August and September 2001 in the
19 text?

20 A. Yes.

21 Q. And this letter is addressed to
22 Mr. Ibrahim bin Mohammed Al-Hibr, correct?

23 A. Yes.

24 Q. And the letter refers to him as the

1 religious attach? at the Saudi Embassy in Addis
2 Ababa and chairman of the committee supervising
3 the organization's office in Ethiopia, correct?

4 A. Yes.

5 Q. So am I correct that in this time
6 period, there was also a committee established
7 to supervise the IIRO's office in Ethiopia?

8 A. Yes.

9 Q. Do you recall when that committee
10 was established?

11 A. I think around these dates.

12 Q. And was the chairman of that
13 committee the religious attach? at the Saudi
14 Embassy in Addis Ababa?

15 MR. LEWIS: Objection to form.

16 A. He is the head of the committee in
17 his capacity -- in his personal capacity as a
18 Saudi citizen.

19 Q. That's not what I asked. I asked
20 whether Mr. Al-Hibr was both the chairman of
21 the committee supervising the office and the
22 religious attach? of the Saudi Embassy in Addis
23 Ababa.

24 A. And I have answered as such because

1 it is not a necessity for the religious attach?
2 in any Saudi Embassy anywhere to be the head of
3 the committee supervising any IIRO office
4 unless he has a personal interest as a
5 volunteer for the pleasure of Allah to do this
6 hard work. And the person does not receive a
7 single cent in remuneration.

8 Q. Just to step back, at this time,
9 when you wrote the letter, Mr. Al-Hibr was the
10 religious attach? of the Saudi Embassy,
11 correct?

12 A. Yes.

13 Q. And he was the chair of the
14 committee supervising the IIRO's office in
15 Ethiopia, correct?

16 A. Yes, in a temporary fashion.

17 MR. CARTER: I'd like the court
18 reporter to mark as Basha-142 a document
19 produced by the IIRO at IIRO 46225
20 through 46234.

21 (Exhibit Basha-142 marked for
22 identification and attached to the
23 transcript.)

24 BY MR. CARTER:

1 Q. Dr. Basha, I know this is a long
2 document, and I only have a few questions. Am
3 I correct that this is a report from 2002
4 relating to the IIRO's Djibouti office?

5 A. Yes.

6 Q. And there is a section under the
7 heading, Historical Background about the
8 Office.

9 Do you see that?

10 A. Yes.

11 Q. And it states that, The
12 organization opened its office in Djibouti in
13 1989 under the umbrella of the Saudi Religious
14 Attach? in Djibouti.

15 Is that correct?

16 A. Yes.

17 Q. Are you aware of any other
18 incidents where an IIRO office was opened under
19 the umbrella of a Saudi religious attach??

20 MR. LEWIS: Objection to form.

21 A. I do not know any.

22 MR. CARTER: I'd like the court
23 reporter to mark as Basha-143 a document
24 produced by the IIRO -- I'm sorry, a

1 document produced by the Muslim World
2 League at MWL 063317 through 063322.

3 (Exhibit Basha-143 marked for
4 identification and attached to the
5 transcript.)

6 THE WITNESS: Yes.

7 BY MR. CARTER:

8 Q. Dr. Basha, based on my reading of
9 this document, I understand it relates to a
10 meeting that was held in 1996, and that would
11 have been before you assumed your role as
12 Secretary General of the IIRO, correct?

13 A. Yes.

14 Q. The document references a meeting
15 of the Saudi Coordination Council in Nairobi,
16 Kenya. Although this document predates your
17 term as Secretary General, are you familiar
18 with that Coordination Council?

19 A. I'm not familiar with it.

20 Q. You don't recall, during your term
21 as Secretary General, the existence of a
22 Coordination Council located in Kenya?

23 A. I do not recall.

24 Q. This letter indicates that the

1 meeting of this council was held at the offices
2 of the International Islamic Relief
3 Organization. Did the IIRO have an office in
4 Nairobi during this time period?

5 A. I was not in the IIRO at that time,
6 and therefore I do not know if it had an office
7 in that region then.

8 Q. Turning your attention to the
9 section of the report under First, which at
10 least on the English appears at MWL 63318, it
11 discusses challenges facing Saudi relief
12 organizations, particularly in Somalia.

13 A. Yes.

14 Q. And there is a statement that, It
15 seems that the relief aids, which must be
16 provided to every person in need or in
17 distress, take other directions and are resold
18 in markets so that later the price is used for
19 purchasing weapons that are offered to other
20 entities.

21 Do you see that?

22 MR. LEWIS: Objection. You're
23 asking -- you're just asking if he sees
24 the sentence there?

1 MR. CARTER: Yes. That's exactly
2 what I asked him.

3 MR. LEWIS: Okay.

4 A. The answer is, yes, I see this
5 sentence.

6 Q. At any point during your term as
7 Secretary General of the IIRO, did anyone raise
8 to you concerns that relief aids being
9 distributed by the IIRO in Somalia were being
10 resold to purchase weapons?

11 A. I do not recall any of that.

12 Q. Do you recall, during your term as
13 Secretary General, whether any protocols were
14 in place to guard against the resale of IIRO
15 relief aids in Somalia for weapons?

16 A. Yes. I want to connect the answer
17 to this question to an earlier answer that I
18 provided yesterday about the five million Saudi
19 riyals provided by Prince Sultan bin Abdul Aziz
20 to relieve those affected by the floods in
21 Somalia. And when this aid is approved, a
22 delegation from the General Secretariat and the
23 local office goes to the field to oversee the
24 implementation.

1 And I remember that we have
2 rejected a number of requests presented to us
3 for help from countries that suffered
4 disasters. We refused to hand over the money
5 to the government or any government entities in
6 those countries, and our condition was that the
7 distribution of the aid should be joint by
8 people from Saudi Arabia, from the IIRO and the
9 country. And this is to prevent any misuse or
10 suspicion of misuse or resale.

11 MR. CARTER: I'd like the court
12 reporter to mark as Basha-144 a document
13 produced by the Muslim World League at
14 MWL 62668 through 62669.

15 (Exhibit Basha-144 marked for
16 identification and attached to the
17 transcript.)

1 every charity or party do have political
2 directions, and he highlighted that the
3 distribution of aid is conducted by the
4 workers in the IIRO themselves.

5 Thank you.

6 BY MR. CARTER:

7 Q. Before we go off, in light of that
8 last comment, do you agree that this document
9 indicates that the Coordination Council
10 described in the document included the
11 Ambassador -- the Saudi Ambassador in Kenya,
12 correct?

13 MR. LEWIS: Hang on.

14 We don't have the document in front
15 of us anymore, but we're -- I'm just
16 putting it back in front of the witness
17 so that he can review it and respond to
18 your question.

19 A. Yes, it may indicate that. But as
20 a clarification, this -- in the letter, there
21 is a reference that this Coordination Council
22 is for all Islamic relief organizations of
23 Saudi identity or located -- their headquarters
24 located in Saudi Arabia. And they have been

1 mentioned by name.

2 Q. And in addition to the Ambassador,
3 it mentions that the religious attach? of the
4 Saudi Embassy was also a member of the council,
5 correct?

6 A. This is what the document says, in
7 addition to the manager of the Saudi airlines
8 office.

9 Q. And in addition, it says that the
10 meeting was attended by the head of Islamic
11 Affairs at the Saudi Embassy, correct?

12 MR. LEWIS: Objection -- objection
13 to form. You're asking him what the
14 document says?

15 MR. CARTER: Yes.

16 MR. LEWIS: Okay.

17 A. Yes, this is what the document
18 says.

19 MR. CARTER: Okay. We can take our
20 break.

21 MR. LEWIS: Okay, what time --
22 Do people want to pray?

23 MR. CARTER: I think it depends
24 more on you.

1 THE WITNESS: 20 minutes, yeah, 20
2 minutes --

5 It's now 4:33, so maybe about --
6 between 4:50 and 4:55, or minus 8 for
7 you?

8 MR. CARTER: Okay.

16 BY MR. CARTER:

17 Q. Dr. Basha, we have marked as
18 Basha-144 a document produced by the Muslim
19 World League. And based on the text, I
20 understand this to be minutes of a meeting of
21 the Editorial Committee of the Saudi
22 Coordinating Council in Kenya.

23 A. Yes.

24 Q. And before we took a break, we were

1 discussing a 1996 meeting of the same
2 Coordinating Council, and you noted that that
3 preceded your tenure as Secretary General of
4 the IIRO, right?

5 A. Yes.

6 Q. The date of this letter, as I
7 understand it, is July 29, 1997, correct?

8 A. Yes.

9 Q. And were you at that time in your
10 post as Secretary General of the IIRO?

11 A. Yes.

12 Q. And this document indicates that
13 the meeting of the Coordinating Council was
14 attended by Mahmoud Khleif, and it identifies
15 him as the representative of the International
16 Islamic Relief Organization office. Do you see
17 that?

18 A. Yes.

19 Q. And did you know Mr. Khleif during
20 this time?

21 A. I do not remember him exactly, but
22 it is written here that he is the
23 representative of the IIRO office.

24 Q. Do you have any recollection how

1 long he served in that capacity?

2 MR. LEWIS: Objection to form.

3 A. No. The answer is no.

4 Q. About a year after this document
5 was prepared, there were bombings at U.S.
6 Embassies in Kenya and Tanzania. Are you
7 familiar with that terrorist attack?

8 A. I have heard about them, yes.

9 Q. Do you know who the head of the
10 IIRO office in Kenya was at the time of those
11 attacks in 1998?

12 A. I do not recall now.

13 Q. Although this meeting of the
14 Coordinating Council occurred during your
15 tenure as Secretary General and was attended by
16 a representative of the IIRO, you don't recall
17 ever having heard anything about this
18 Coordinating Council?

19 MR. LEWIS: Objection to form.

20 A. Yes. The answer is yes.

21 Q. I'm sorry, the answer is, you don't
22 recall, correct?

23 A. Yes, I do not recall.

24 Q. And the letter indicates that the

1 meeting of this council was chaired by the head
2 of Islamic Affairs at the Saudi Embassy,
3 Mr. Fahad bin Mohammed Al-Sabbagh. Do you know
4 who that person is?

5 A. No.

6 Q. And you don't recall receiving any
7 information in this time period that there was
8 a Coordinating Council that included the IIRO
9 and was being headed by the representative of
10 the Embassy in Kenya?

11 MR. LEWIS: Objection to form.

12 A. I do not recall because it has been
13 22 years since then.

14 MR. CARTER: I'd like the court
15 reporter to mark as Basha-145 -- hang on
16 one second. We have an issue with the
17 exhibits that we need to resolve.

18 Okay, got it. Sorry about that.

19 I'm hoping the court reporter can
20 mark as Basha-145 a document produced at
21 IIRO 287341, and 287342.

22 (Exhibits Basha-145 and Basha-146
23 marked for identification and attached
24 to the transcript.)

1 THE WITNESS: Yes.

2 BY MR. CARTER:

3 Q. Looking first at the document we've
4 marked as 145 --

5 MR. LEWIS: And he's only look at
6 the first --

7 Q. -- is this a communication --

8 MR. LEWIS: He's only looked at the
9 first document, so if you want to
10 question him on both documents, let's
11 take another minute.

12 A. Yes.

13 Q. Dr. Basha, I'm looking first at the
14 document marked as Basha-145. Is this a
15 communication that issued under your name as
16 Secretary General of the IIRO?

17 A. This document has my name, but the
18 signature does not exist.

19 Q. Is this document some sort of
20 administrative decision issued by the IIRO?

21 A. Yes, it looks like that.

22 Q. And this type of administrative
23 decision, would those normally be issued by the
24 General Secretary of the IIRO?

1 A. Yes, for some job grades it is
2 issued in the name of the Secretary General.

3 Q. And this document pertains to the
4 appointment of a new manager for the IIRO's
5 office in Albania, correct?

6 A. Yes.

7 Q. And the individual being appointed
8 is Mr. Abdel-Samad bin Mohammed Al-Baradi
9 Al-Ansari, correct?

10 A. Yes.

11 Q. And it indicates he's being
12 appointed manager based on the approval of His
13 Highness, the Minister of Islamic Affairs,
14 correct?

15 A. Yes.

16 Q. Why did the Minister of Islamic
17 Affairs have to approve Mr. Al-Ansari's
18 appointment to serve as manager of an IIRO
19 office?

20 MR. LEWIS: Objection to form.

21 A. Well, it -- the decision says that
22 this is a secondment of an employee who works
23 for the Ministry of Islamic Affairs, and in
24 order to transfer the services of this person

1 from his ministry to a new entity, this
2 requires the approval of his direct supervisor.

3 Q. Do you recall whether you were
4 personally involved in the appointment of
5 Mr. Al-Ansari to this position?

6 A. What I recall is that the office of
7 the IIRO in Makkah knows this person, and
8 therefore they proposed to him to move to work
9 as the manager of the IIRO office in Albania.
10 And he agreed to that, and he requested that
11 the Ministry is addressed in this relation.
12 But I do not have personal knowledge of him at
13 all.

14 MR. NASSAR: Sean, we have an
15 objection to the written translation of
16 the document. In the second bullet
17 point, it states, including a request to
18 appoint Mr. Abdel-Samad bin Mohammad
19 Al-Baradi Al-Ansari, and the Arabic
20 states, a request to second Mr.
21 Abdel-Samad bin Mohammad Al-Baradi
22 Al-Ansari.

23 MR. CARTER: Okay. Thanks, Waleed.
24 Q. Dr. Basha, do you recall whether

1 you had any direct communications with the
2 Ministry of Islamic Affairs regarding the
3 secondment of Mr. Al-Ansari?

4 A. No.

5 Q. Based on this document, am I
6 correct that the Ministry agreed to the
7 arrangement and to pay Mr. Al-Ansari's salary
8 and allowances during the secondment?

9 MR. LEWIS: Objection to form.

10 A. Yes, because this was the request
11 of the chairman of the board of directors of
12 the IIRO in his letter to the Minister.

13 Q. So this arrangement was initiated
14 by a request from the Secretary General of the
15 Muslim World League to the Minister of Islamic
16 Affairs?

17 A. Yes, because the level of
18 communication with Saudi ministers should be at
19 the level of the chairman of the board of
20 directors.

21 Q. Turning your attention to
22 Basha-146, is this a letter that issued under
23 your signature in June of 1999?

24 A. Yes.

1 Q. And this is a communication that
2 you sent to a representative of the Ministry of
3 Islamic Affairs, correct?

4 A. Yes, in his capacity as in charge
5 of the administrative and financial affairs.

6 Q. And this letter also concerns
7 Mr. Al-Ansari?

8 A. Yes.

9 Q. And this letter indicates that
10 Mr. Al-Ansari is being transferred from the
11 Albania office to the Secretariat General in
12 Jeddah. Is that correct?

13 A. Yes.

14 Q. Do you know why he was transferred?

15 A. Based on his personal wish. He did
16 not like living in Albania. It was the first
17 time for him to travel outside Saudi Arabia.

18 Q. And when he was transferred back,
19 did he continue to work for the IIRO?

20 A. He completed the year of
21 secondment, because he spent five months only
22 in the Albania office.

23 MR. CARTER: I'd like the court
24 reporter to mark as Basha-147 a document

1 produced by IIRO at IIRO 285013.

2 (Exhibit Basha-147 marked for
3 identification and attached to the
4 transcript.)

5 THE WITNESS: Yes.

6 BY MR. CARTER:

7 Q. Dr. Basha, is this a communication
8 you sent as Secretary General of the IIRO to
9 the Deputy Minister of Foreign Affairs of Saudi
10 Arabia in July of 2000?

11 A. Yes.

12 Q. And does this concern the IIRO's
13 office in India?

14 A. Yes.

15 Q. And in this letter, you request
16 that the Saudi Consulate in Bombay cooperate
17 with the head of the IIRO's office at your
18 request, the possibility of issuing diplomatic
19 plates for the IIRO's vehicles, correct?

20 A. Yes.

21 Q. And you indicate that the Ministry
22 had provided such diplomatic plates for the
23 World Assembly of Muslim Youth's office in
24 India, correct?

1 A. Yes.

2 Q. Do you know whether or not the IIRO
3 was, in fact, issued diplomatic plates for its
4 vehicles in India?

5 A. No, nothing has been issued.

6 Q. Do you recall whether any of the
7 IIRO's offices outside of Saudi Arabia held
8 diplomatic status?

9 MR. LEWIS: Object to the -- I
10 object to the form of the question.

11 A. Yes.

12 Q. What was the basis for imbuing
13 offices of the IIRO with diplomatic status?

14 A. It is only when the host government
15 has the willingness to honor the IIRO by
16 providing it with this status.

17 Q. In circumstances where such status
18 was granted, was it requested by the Saudi
19 government?

20 A. No.

21 Q. So the IIRO would make the request
22 directly to the host government?

23 A. Yes --

24 Q. And to your --

1 A. -- after we brought [sic] with the
2 concerned authorities to make sure that the
3 request will be accepted.

4 Q. So you would have to consult with
5 the Saudi government before making a request?

6 MR. LEWIS: Objection to form.

7 A. No. We consult with concerned
8 authorities in the host country.

9 Q. And to your recollection, the Saudi
10 Ministry of Foreign Affairs was not involved in
11 making any of those requests on behalf of the
12 IIRO?

13 A. No, it did not -- it was not
14 involved.

15 Q. Why then in this instance are you
16 asking for the assistance of the Saudi
17 Consulate in securing diplomatic plates for the
18 IIRO's vehicles instead of simply making the
19 request to the Indian government?

20 A. In the Indian government at the
21 executive levels, there are no officials who
22 can be communicated with in order to obtain
23 this status. And because there is a precedence
24 for the office of the World Assembly of Muslim

1 Youth in India as they obtained this status,
2 here the manager of the office requested us to
3 communicate with the Ministry of Foreign
4 Affairs for this matter.

5 Q. So in this case, the Ministry of
6 Foreign Affairs was involved in trying to
7 secure diplomatic credentials for the IIRO?

8 MR. LEWIS: Object -- excuse me.

9 Objection to form. Objection to form.
10 Sorry.

11 A. But it did not happen. The plates
12 were not issued.

13 Q. But that's not my question. I had
14 asked you earlier whether the IIRO ever
15 requested the assistance of the Saudi
16 government to obtain diplomatic credentials,
17 and you said no.

18 My question is, in this case, did
19 the IIRO request that the Saudi foreign
20 ministry assist it to obtain diplomatic
21 credentials?

22 MR. LEWIS: Same objection. Your
23 terminology is jumping around.

24 A. This is not diplomatic credentials.

1 It is about diplomatic plates for vehicles.

2 Q. So would a vehicle holding
3 diplomatic plates be treated as having
4 diplomatic status?

5 MR. LEWIS: Objection to form.

6 A. I'm not a diplomat, and I do not
7 know the answer to this question therefore.

8 Q. Why were you requesting diplomatic
9 plates?

10 A. It is written in the communication
11 that there are Saudi individuals from the IIRO
12 headquarters who visit India to supervise, and
13 it requires that they are received in the
14 airport. And they face difficulties in the car
15 parking in the airport.

16 Q. And so having diplomatic plates
17 would hold some benefits?

18 A. I expect in the airport at least to
19 have access to the airport car parking.

20 MR. CARTER: I'd like the court
21 reporter to mark as Basha-148 documents
22 produced at IIRO 111814 and 111815.

23 (Exhibit Basha-148 marked for
24 identification and attached to the

1 transcript.)

2 THE WITNESS: Yes.

3 BY MR. CARTER:

4 Q. Dr. Basha, this is a letter sent to
5 you by an IIRO office manager in Pakistan named
6 Al-Butairi, right?

7 A. Yes.

8 Q. And at the time of this letter,
9 where was the IIRO's office in Pakistan?

10 A. In Islamabad.

11 Q. Did the IIRO, during this time
12 period, also have an office in Peshawar?

13 A. No, it did not have an office in
14 Peshawar at that period of time.

15 Q. Did it conduct operations in
16 Peshawar on an informal basis?

17 A. What do you mean by "informal
18 basis"?

19 Q. Do you know where Mr. Butairi was
20 himself located?

21 A. In Islamabad.

22 Q. Do you know whether there were any
23 employees or volunteers of the IIRO during this
24 time period who were resident in Peshawar?

1 A. I do not know.

2 Q. This letter concerns a visit by an
3 individual identified as the Chancellor at the
4 Embassy, Mr. Ismail Abbas Ayaz. Do you see
5 that?

6 A. Yes.

7 Q. Do you know who Mr. Ayaz is?

8 A. The letter says that he is in
9 charge of the religious affairs.

10 Q. And is he in charge of the
11 religious affairs at the Embassy?

12 A. This is what the memo says, yes.

13 Q. But does it also identify him as
14 the director of the office of the International
15 Islamic Relief Organization?

16 MR. NASSAR: And Sean, we're going
17 to -- we have an objection to the
18 translation. Either there should be a
19 comma or/and the director. They're two
20 separate people in the -- as written in
21 the Arabic. The English blurs it as
22 though it's the same person.

23 MR. CARTER: That's what I was
24 asking the witness. Thanks, Waleed.

1 A. The memo here means that there are
2 two individuals and the manager of the IIRO
3 office, who is Moayad Al-Butairi. And Moayad
4 Al-Butairi accompanied Ismail Ayaz in the
5 visit.

6 Q. And looking at the other page, IIRO
7 111815.

8 A. Yes.

9 Q. And is it your understanding that
10 that also indicates that Mr. Ayaz is separate
11 from the person identified as the director of
12 the office of the IIRO?

13 A. Yes. This is what the document
14 says.

15 Q. Do you recall what the purpose of
16 the visit by Mr. Ayaz was?

17 A. The visit, as the letter states, is
18 for the purpose of distributing the gift of the
19 Custodian of the Two Holy Mosques in Free
20 Kashmir.

21 Q. So the Saudi King provided a gift
22 to the people of Free Kashmir, and the IIRO was
23 the instrument for distributing that gift?

24 MR. LEWIS: Objection to form.

1 Lack of foundation.

2 A. I want to explain something here.

3 The IIRO at a certain point of time was
4 receiving 800 tons of dates purchased by the
5 Saudi government from the local Saudi farmers,
6 as a form of subsidy to these farmers, and was
7 giving these tons, this quantity, to the IIRO
8 to distribute it to whoever it decides, in
9 different places where offices of the IIRO are
10 located or at Saudi Embassies, without giving
11 any directives or instructions where this aid
12 should go, to which country. And therefore
13 when this quantity is received, the urgent
14 relief department of the IIRO, with the
15 external offices, decides to which country the
16 aid goes, and the quantity to each country.

17 And when the distribution of
18 quantities is approved, the coordination -- it
19 is distributed then in coordination with the
20 Saudi Embassy because the donation itself came
21 from the Saudi government. And this is what
22 happened in Kashmir, probably the Embassy
23 designated the religious attach? for this
24 purpose.

1 Q. So the gift was provided by the
2 King, correct?

3 A. Yes.

4 Q. And it was distributed by the IIRO
5 in coordination with the Embassy?

6 MR. LEWIS: Objection to form.

7 A. Yes.

8 Q. Dr. Basha, do you know when
9 Mr. Butairi was appointed to serve as manager
10 of the IIRO's office in Pakistan?

11 A. I don't know, but when I joined the
12 IIRO, he was already in the office.

13 Q. Do you know how long he had been
14 there when you joined?

15 A. I do not recall.

16 Q. Do you have any idea what he was
17 doing before he came to work for the IIRO?

18 A. I have no idea.

19 Q. Do you know whether Mr. Al-Butairi
20 was a Saudi citizen?

21 A. For sure, he was Saudi.

22 MR. CARTER: I'd like the court
23 reporter to mark as Basha-149 a
24 communication produced by the IIRO at

1 IIRO 031022 to 031023.

2 (Exhibit Basha-149 marked for
3 identification and attached to the
4 transcript.)

5 THE WITNESS: Yes.

6 BY MR. CARTER:

7 Q. Dr. Basha, is this a letter sent by
8 you to Dr. Mohammed Fedaa Al Din Bahgat?

9 A. This is a draft letter because I
10 wrote comments on it, and then it went for
11 revision again.

12 MR. CARTER: I'm sorry, the
13 translator's -- got cut off at the end.
14 I didn't hear the last part of your
15 translation.

16 INTERPRETER: He said that "This is
17 a draft letter because I wrote comments
18 on it, and it went for revision again."

19 Q. Do you know whether some version of
20 this letter was ultimately sent to Mr. Bahgat?

21 A. I do not recall this now.

22 Q. What was the subject matter of this
23 draft letter?

24 A. It says here that during the

1 handover and taking between the managers of the
2 IIRO offices, the organization had difficulties
3 in applying the mechanism -- the mechanism for
4 the handover and taking of the managers. And
5 this led to an issue in the office.

6 And the rest of the letter explains
7 the developments in this matter. And therefore
8 we have requested the office of Osama El
9 Khereiji, who is a chartered auditor, to audit
10 the documents of the Pakistan office. And he
11 presented a quotation for the fees, and
12 therefore we have requested the opinion of
13 Dr. Mohammed Fedaa al Din Bahgat in this matter
14 because the financial comptroller and the
15 follow-up manager, they disagreed about the
16 rate.

17 Q. Do I understand from this letter
18 that around the time this letter issued,
19 Mr. Butairi was being replaced as the manager
20 of the IIRO's Pakistan office?

21 A. Yes.

22 Q. And when a manager is replaced,
23 there is some sort of process in place to turn
24 over control of the office, correct?

1 A. Yes. There is a mechanism.

2 Q. And in the context of the
3 replacement of Mr. Butairi, there was a
4 problem, correct?

5 A. Yes.

6 Q. And as a result of the problem,
7 this letter indicates that the IIRO established
8 a delegation to look into the office, correct?

9 A. Yes.

10 Q. And the inquiry performed by that
11 delegation, according to this letter, found
12 evidence indicating the existence of cheating,
13 forgery, and misuse of the IIRO's funds,
14 correct?

15 A. Yes.

16 Q. And as a result of those
17 discoveries, the letter indicates that the
18 financial officer of the Pakistan office was
19 arrested and was under investigation, correct?

20 A. Yes.

21 Q. And do you recall the name of that
22 person?

23 A. Yes.

24 Q. Who was that?

1 A. Amir Jasim.

2 Q. According to the English
3 translation I have of this draft letter, it
4 indicates that Mr. Jasim was arrested and is
5 under investigation with the reservation of the
6 office's director, who is of a Saudi origin.

7 What does that language indicating
8 that he was arrested under the reservation of
9 the office's director mean?

10 A. The financial officer was arrested
11 by the Pakistani police based on a complaint
12 from the IIRO. The complaint was prepared by a
13 lawyer who was appointed for this purpose, and
14 the -- but for the office manager, he was
15 called to Jeddah to answer to the legal
16 department and its requirements.

17 Q. So as I understand this, the
18 Pakistani financial officer was arrested in
19 Pakistan, correct?

20 MR. LEWIS: Objection, lack of
21 foundation. He's not Pakistani.

22 Q. Do you know Mr. Jasim's
23 nationality?

24 A. Iraqi.

1 Q. Okay. So Mr. Jasim, who is an
2 Iraqi, was arrested in Pakistan, correct?

3 A. Yes.

4 Q. And when the IIRO discovered the
5 cheating, forgery, and misuse of funds, it
6 called Mr. Butairi back to Saudi Arabia?

7 A. Because he was claiming that the
8 only person responsible for this cheating is
9 Amir Jasim in his capacity as the financial
10 officer.

11 Q. And it was the preference of the
12 IIRO that the inquiry concerning Mr. Butairi
13 and his possible involvement be conducted in
14 Saudi Arabia, correct?

15 A. For two reasons. The first reason
16 is Moayad Al-Butairi, he held Amir Jasim
17 accountable for that, and he declined any form
18 of responsibility -- sorry, he denied any form
19 of responsibility. And the second reason is
20 that he remained in Pakistan for one week
21 during the stay of the delegation from the
22 IIRO, and he was not arrested by the Pakistani
23 police. And therefore, we preferred to bring
24 him to Saudi Arabia in order not to lose our

1 cards. And therefore, at that time, the
2 conclusive evidences were incomplete.

3 Q. Did you later receive evidence
4 indicating that Mr. Butairi was himself
5 involved in the cheating, forgery, and misuse
6 of IIRO funds?

7 A. Yes.

8 Q. Did the IIRO request that he be
9 prosecuted?

10 A. In order to have the conclusive
11 evidences, this took some time from us. And it
12 required a lot of patience. And therefore when
13 Moayad Al-Butairi found that he has -- in front
14 of him he has the chance of being arrested,
15 just that, he wrote a waiver -- he wrote a
16 waiver or an assignment of the three clinics he
17 had [unclear words], which he operated from the
18 embezzled funds from the IIRO.

19 And therefore, in comparison to the
20 long period of time that was consumed with Amir
21 Jasim, in this case the IIRO, in a very short
22 period of time, was able to retrieve its funds,
23 to know -- or to discover how the theft
24 happened, and who stole the money, and to which

1 bank the money was deposited.

2 Q. Are you saying that the IIRO
3 recovered all of the money that was stolen from
4 its Pakistan branch?

5 A. After the IIRO examined all the
6 documents -- financial documents and the money
7 transfers, and given the absence of documents
8 that were incinerated by Amir Jasim, the IIRO
9 found that what has been stolen equals to the
10 value of the three clinics that were owned by
11 Amir Jasim and Moayad Butairi from the money
12 they embezzled.

13 Q. So evidence was destroyed, correct?

14 A. Yes, incinerated.

15 Q. And the --

16 MR. LEWIS: Hang on, he hasn't
17 finished his answer.

18 A. And Amir Jasim admitted in writing
19 that he was the primary responsible person for
20 all the forgery of documents and cheating.
21 Regardless of that, we did not relieve even
22 Moayad Al-Butairi from the responsibility, and
23 when he knew that we will bring him to justice
24 in Saudi Arabia, he had no option other than

1 that only option. So he confessed that he owns
2 the three clinics, and he expressed in writing
3 that he's ready to hand them over, and this is
4 what happened.

5 Q. I take it this was a relatively
6 significant controversy for the IIRO?

7 MR. LEWIS: Objection to form.

8 A. For the IIRO, it was a financial
9 problem, but we have managed to contain it and
10 to precisely identify it, and to prevent its
11 recurrence by adopting some mechanisms, and to
12 set an example for other employees that whoever
13 dares to conduct such act will meet the fate of
14 dismissal. And this is what happened to Amir
15 Jasim and Moayad Al-Butairi.

16 Q. Did the IIRO document all of its
17 analysis of the losses incurred as a result of
18 this activity and valuation of the three
19 clinics that were transferred to it?

20 MR. LEWIS: Objection to form.

21 (Witness answers.)

22 MR. LEWIS: Let the translator --

23 A. Yes. And this leads me to say
24 something that I did not mention. As soon as

1 that delegation came back from Islamabad, a
2 committee was established in the General
3 Secretariat. And the committee composed of
4 four departments, and it was presided over by a
5 senior official in the IIRO. And the
6 responsibility of the committee was to review
7 all the documents that were obtained.

8 And sadly, the committee tried to
9 do its best, given the lack of many of the
10 documents, but with the patience and the
11 perseverance of the committee, the committee
12 managed, with all the adverse circumstances it
13 faced, be they in Pakistan, it managed at the
14 end of the day to reach an estimation of the
15 embezzled money.

16 And it consulted with the lawyer in
17 Pakistan who authorized that, and therefore the
18 settlement was conducted in such a way.

19 Noting that even the original
20 documents that were in the possession of the
21 finance department in Jeddah, which the
22 Pakistani court requested to obtain so it can
23 issue a judgment in the case of Amir Jasim,
24 these documents were lost in the court after

1 delivering the documents to the court under
2 signature.

3 So all these adverse circumstances
4 did not deter the IIRO from obtaining its
5 legitimate rights.

6 Q. So as I understand it, the IIRO
7 decided to have its own internal committee
8 analyze the extent of the losses and their
9 disposition, correct?

10 A. Yes. And the committee was given
11 all the powers to take the wide decision.

12 Q. And in the end, Mr. Butairi was not
13 prosecuted, correct?

14 A. We found it sufficient, based on
15 the advice of the lawyers, to retrieve our
16 funds -- to recover, sorry, to recover our
17 funds, and we considered it closed.

18 Q. How much did you recover?

19 A. I do not recall now, but it was
20 based on the estimations of the value of the
21 three clinics.

22 Q. So you recovered the three clinics,
23 correct?

24 A. Yes. One in Peshawar, one in

1 Islamabad, and another one in Karachi.

2 Q. And based on the transfer of those
3 three committees [sic], you resolved your
4 issues with Mr. Butairi?

5 MR. LEWIS: Objection to form.

6 A. It's not that we settled, but we
7 have recovered our funds. And actually, this
8 allowed us to conduct a thorough review of the
9 rules and regulations that we had because they
10 contained some gaps that allowed Amir Jasim to
11 do what he did.

12 Amir Jasim was one of the most
13 efficient accountants and one of the oldest
14 employees in the IIRO, and Moayad Al-Butairi
15 also was receiving the title of the ideal
16 manager. And with all that, they have managed
17 to take advantage of the gaps, but with a
18 review, we have closed them.

19 Q. So as I understand it, there should
20 be documents reflecting the IIRO's valuation of
21 the three clinics, correct?

22 MR. LEWIS: Objection to form.

23 A. This is for sure. These were
24 procedures for the committee, and the committee

1 was authorized with all powers. And the
2 members of the committee come from departments
3 that were considered as inspectors of the
4 finance department. So there is no bias to any
5 entity.

6 Q. Well, if you wanted to avoid bias
7 to any entity, wouldn't you have hired an
8 independent actor to do this process?

9 MR. LEWIS: Objection to form.

10 A. I mean that there was no bias. The
11 committee composed of people from the financial
12 follow-up department, which is like a
13 controller, over the performance of the finance
14 department and the offices. And it is the
15 financial -- and the second member was the
16 financial controller before any disbursement,
17 and the third member was from the legal
18 department, and all of these departments are
19 reporting to the Secretary General directly.

20 Q. During what period did the
21 committee conduct its work?

22 A. In fact, the committee took long
23 time in this matter because of the lack of
24 evidences. But the waiver -- or the assignment

1 was done three and a half months after the
2 discovery of the theft.

3 Q. So the committee began its work
4 within three and a half months of the initial
5 discovery of the problem, correct?

6 A. No. After three and a half months
7 of the incident, the waiver was obtained from
8 Moayad Al-Butairi, when he knew that he will be
9 prosecuted or brought to justice.

10 Q. The problem with the office was
11 discovered sometime around late 1999 or early
12 2000, correct?

13 A. Late 2000.

14 Q. And did the committee begin its
15 work shortly thereafter?

16 A. Yes. After the return of the
17 delegation from Pakistan to Jeddah, and
18 presenting its report, the committee was
19 directly established.

20 Q. And do you know whether the
21 committee completed its work by 2004?

22 A. It was around -- I do not remember
23 exactly when the work was completed. It was
24 around that date, and it took long time because

1 some of the evidences were incinerated, some of
2 them were lost, and Amir Jasim started to
3 manipulate with the Pakistani judiciary. And
4 we have acted based on an advice from the chief
5 judge in Pakistan. He told us that if you
6 continue this course and you request a full
7 imprisonment of the person, the process may
8 take between 15 to 20 years.

9 Q. So from that do I understand you
10 decided not to pursue the full prosecution of
11 Mr. Jasim?

12 A. Yes. Based on the advice from the
13 chief judge.

14 Q. And as a result, Mr. Jasim was
15 released?

16 A. Amir Jasim had family problems.
17 His wife was divorced, and he was expelled from
18 Pakistan.

19 Q. But he was released from jail in
20 Pakistan, correct?

21 A. On the condition that he is
22 expelled from Pakistan, yes.

23 MR. CARTER: I'd like the reporter
24 to mark as Basha-149 [sic] a document

1 produced at IIRO 026468 through 026490.

2 (Exhibit Basha-150 marked for
3 identification and attached to the
4 transcript.)

5 MR. NASSAR: And Sean, on this
6 document, because there's no Arabic
7 version and the witness reads English
8 very -- kind of slowly, you know, if we
9 could just take our time and point him
10 to which parts of the document that you
11 are asking questions on.

12 MR. CARTER: That's fine, Waleed.
13 And I know that the translator has asked
14 that we take breaks every 90 minutes.
15 I'm not sure if we're butting up on
16 that.

17 MR. NASSAR: I think we are.

18 MR. CARTER: I think we are. So if
19 he wants to break, that's fine.

20 MR. LEWIS: It's five minutes until
21 prayer time. We can go another five
22 minutes or we can just break. It just
23 may take a little bit longer because
24 it's prayer time in five minutes.

1 MR. NASSAR: It came in. We can
2 take the break now.

3 MR. CARTER: Okay. Why don't we
4 take a break now.

5 VIDEO OPERATOR: We are now going
6 off the video record. The time is 6:23.

7 (Recess from 6:23 p.m. until
8 6:51 p.m.)

9 VIDEO OPERATOR: We are now going
10 back on the video record. The time is
11 6:51.

12 BY MR. CARTER:

13 Q. Dr. Basha, before we took a break,
14 I asked the court reporter to mark an exhibit,
15 and I misspoke. I said it would be Basha-149.
16 In fact, it's Basha-150. And it's -- bears
17 Bates stamp IIRO 26468 through 26490.

18 Do you have that document in front
19 of you?

20 A. Yes.

21 Q. Do you recall whether you've ever
22 seen this document before?

23 A. No.

24 MR. LEWIS: Excluding -- I assume

1 you intend to exclude having been shown
2 it recently by his lawyers.

3 MR. CARTER: Correct.

4 Q. Dr. Basha, I understand this to be
5 a report of an audit conducted of the IIRO's
6 Pakistan branch by Ford Rhodes Sidat Hyder &
7 Company. Do you recall whether such an audit
8 was conducted?

11 A. What I recall is that I have
12 ordered the delegation that travelled to
13 Pakistan to consult with Judge Cheema to
14 appoint an independent auditor to audit the
15 records and the books of the IIRO office in
16 Pakistan. And this office, the auditor was
17 selected for this assignment.

18 Q. And turning to the page bearing
19 Bates 26472, there is a section labeled Scope
20 of Work. Do you see that?

21 MR. LEWIS: Sean, the Bates number
22 is blocked by the logo. So it might be
23 easier to refer to the page number,
24 assuming it's consecutively marked.

1 Q. Yeah, it's page 3.

2 A. Yes.

3 Q. And it indicates that the
4 accountants or the auditors were being retained
5 to conduct an audit of the Pakistan branch for
6 the period January 1996 through January 2001.

7 Is that the scope of the audit you
8 directed to be undertaken?

9 MR. LEWIS: Object to the form of
10 the question.

11 A. This is the scope of the audit
12 requested by the IIRO.

13 Q. And under Roman numeral II, it says
14 that the original scope of work contemplated
15 that the auditors would verify all payments and
16 ensure that all underlying documents are
17 attached to it, and also ensure that attached
18 underlying documents are authentic.

19 Do you see that?

20 A. Yes.

21 Q. And further down on the same page,
22 this report indicates that on July 16, 2000, a
23 letter -- I'm sorry, that through a letter
24 dated July 16, 2001, the auditor's scope of

1 work was restricted to verification of certain
2 areas for the last three years only.

3 Do you see that?

4 A. Yes.

5 Q. Do you know who sent that July 16,
6 2001 letter changing the scope of the auditor's
7 work?

8 A. No.

9 Q. Do you know if --

10 MR. LEWIS: He's not finished.

11 A. It is supposed to mention the
12 number of this letter and the name of the
13 person and the department that approved that.

14 Q. Based on that, is it your
15 understanding that the directive would have
16 come from the IIRO?

17 MR. LEWIS: Objection to form.

18 A. It is supposed to be issued from
19 the IIRO and have a number and a date. And not
20 verbal.

21 Q. Do you know whether or not the IIRO
22 established a special file related to the
23 investigation of the Pakistan office?

24 A. What I know is that the IIRO, under

1 my signature, established a committee, and it
2 was authorized by all the powers to examine the
3 issue of Pakistan.

4 Q. So based on this document, it
5 appears that in the end, the independent audit
6 of the Pakistan branch was limited to a
7 three-year period and only to the areas
8 mentioned on page 3 of this report, correct?

9 MR. LEWIS: Object to the form of
10 the question.

11 A. I cannot assert the correctness of
12 this because I have not seen it.

13 Q. Turning to page 6 of the report,
14 the auditors indicate that for the period
15 covered by their inquiry, no internal or
16 external audit was ever carried out for the
17 Pakistan branch, and HO, home office,
18 management never asked local management to
19 provide them audit report on some fixed
20 interval/periodic basis.

21 Do you see that?

22 MR. LEWIS: I'm sorry, we have a
23 different section that's up on the
24 screen. You're asking about the first

1 paragraph?

2 MR. CARTER: Yeah, sorry. I think
3 we should have the right one now,
4 Findings.

5 MR. LEWIS: Okay, let's take a look
6 at that, and maybe we can translate
7 that.

8 A. Well, when this text is mentioned
9 in auditor's report, and based on my humble
10 experience about the financial reports in the
11 General Secretariat of the IIRO, I find that
12 the auditor's office would start by writing a
13 draft auditor's report highlighting the
14 conclusions it reached and would request the
15 relevant department that was subject of the
16 audit to respond to the questions. And then in
17 the final report, these are either accepted or
18 rejected.

19 I do not find this in this
20 paragraph. This paragraph seems to be making
21 final conclusions without asking the relevant
22 department whether it is documenting these
23 procedures or not. This is one thing.

24 On the other hand, there are

1 mechanisms at the level of the General
2 Secretariat. The first manual is the
3 accounting manual of the local offices. Second
4 manual is the accounting manual for the
5 external offices. This is in addition to the
6 financial regulations of the General
7 Secretariat, approved by the general assembly
8 and the board of directors. And the IIRO does
9 not have one external office that is the
10 Pakistan one.

11 And in the General Secretariat,
12 there is an auditor who reviews or audits the
13 final accounts and presents to the board of
14 directors a report about the final accounts.
15 And this auditor, the IIRO is very keen to
16 choose the auditor from the top three auditors
17 globally.

18 And I can say that the final
19 accounts of the IIRO were audited by Arthur
20 Andersen, and then KPMG, and now Ernst & Young.
21 And these auditing firms, they take -- they
22 randomly audit the local offices, some local
23 offices, and some external offices, focusing on
24 the important ones. On top of them is the

1 Pakistan office.

2 And if any auditing firm discovers
3 this case as referenced to in this report, it
4 would have written that and proved that in the
5 report presented to the board of directors and
6 the general assembly.

7 And we in the IIRO, we do not
8 consider sufficient this control procedure.
9 There are two control entities within the
10 IIRO --

11 Q. Dr. Basha, the only question I
12 asked was whether you saw the text I was
13 referring to, and you've given a very long
14 speech that was not responsive to that request.
15 And we have limited amount of time. So if you
16 would do us the favor of simply responding to
17 the questions that are posed.

18 My simple question was, do you see
19 the text?

20 MR. LEWIS: I think the witness was
21 responding to the substance of the text.

22 A. Yes, I see it.

23 MR. CARTER: I didn't ask him to
24 respond to the substance; I asked him if

1 he saw it, Eric, and we have limited
2 time.

3 Q. Dr. Basha, you told me before that
4 aside from the possibility your counsel may
5 recently have shown you this report, you don't
6 recall ever having seen it before, correct?

7 A. Yes.

8 Q. And did you have any personal
9 involvement in the audit performed by this
10 member company of Ernst & Young?

11 MR. LEWIS: Objection to form.

12 A. No.

13 Q. And do you have any personal
14 knowledge concerning the inquiries and analysis
15 the auditors conducted in carrying out this
16 audit?

17 MR. LEWIS: Objection to form.

18 A. I'm afraid to say something and
19 then you say I'm not answering to your
20 question.

21 Q. I'm just asking if you know what
22 these auditors did in the performance of their
23 audit.

24 MR. LEWIS: Objection to form.

1 A. They were commissioned under my
2 name and my order, my signature. And then
3 they're assigned to do the job and to discuss
4 the matter with the committee that has been
5 established for this purpose.

6 Q. Did the auditors report to you?

7 A. This report in front of me now is
8 supposed to have been presented to the
9 committee established for this purpose.

10 Q. Now, the text I was referring to
11 indicates a finding by the auditors that no
12 internal or external audit was ever carried out
13 for the Pakistan branch.

14 Have you ever personally seen an
15 audit for the Pakistan branch for the three
16 years 1998 through 2001?

17 A. This is not my personal function.

18 Q. Turning to page 13 of the report,
19 there's a section on Construction.

20 A. Yes.

21 Q. And the auditors found that
22 invoices and supporting documents for
23 construction projects were self-made and that
24 certain of the construction companies did not

1 even seem to exist.

2 Do you see that?

3 MR. LEWIS: Once again, that's not
4 what's up on the screen.

5 MR. CARTER: Now it is.

6 A. Yes, I have seen it.

7 Q. Based on your familiarity with the
8 investigation that was conducted of the
9 Pakistan office, is it your understanding that
10 invoices and receipts for construction projects
11 allegedly conducted by that office had been
12 fabricated?

13 A. These invoices, when they are sent
14 by any external office to the General
15 Secretariat, they do not go to the Secretary
16 General; they go to the relevant department.

17 Q. Again, my question was different,
18 Dr. Basha. You indicated that you had some
19 involvement in the investigation of the
20 Pakistan office, correct?

21 A. My responsibility regarding
22 Pakistan was about sending the delegation and
23 appointing the external auditor and forming the
24 committee responsible for examining the

1 documents and obtaining the results. That's
2 it. But I do not get involved in invoices and
3 stuff like that.

4 Q. And in your role receiving the
5 results of the investigation, did anyone convey
6 to you that the Pakistan office had fabricated
7 receipts for construction projects?

8 A. The assignment given to the office
9 was related to the imprisonment that took place
10 in the Pakistan office within the time period
11 mentioned in the report, and then when the
12 committee concluded that the stolen funds can
13 be recovered by seizing the three clinics, the
14 assignment was over then. But nothing has been
15 mentioned to me in relation to mosques.

16 Q. It's your understanding that funds
17 were misappropriated by people at the IIRO
18 Pakistan branch, correct?

19 A. It is a proven fact for me, based
20 on the documents, that the embezzled funds were
21 stolen by Amir Jasim, with the knowledge of
22 Moayad Al-Butairi.

23 Q. And as part of its investigation,
24 did the IIRO discover that those individuals

1 had fabricated receipts as part of their
2 misappropriation?

3 A. I have said before that Amir Jasim
4 had made written admissions in this respect,
5 yes. And it was explicit that there was
6 fabrication in invoices, fabrication of
7 documents.

8 Q. Did Mr. Jasim provide a document to
9 the IIRO making those acknowledgments?

10 A. Yes, a written document signed by
11 him.

12 Q. Turning to page 9 of this audit
13 report, under the heading, Conclusion.

14 A. Yes.

15 Q. The first sentence indicates that
16 the auditors found, The net unreported amount
17 of US \$3,071,659 is unaccounted for and
18 represents the expenditure which was either not
19 recorded and for which no vouchers and
20 supporting documentation is available and/or
21 the amounts which have been misused or
22 misappropriated locally.

23 Do you see that?

24 A. Yes, I see this text.

1 Q. Did anyone ever communicate to you
2 that as much as \$3 million transferred to the
3 Pakistan branch between 1998 and 2001 had gone
4 missing?

5 A. I was not notified by this number.

6 Q. And you don't remember what
7 valuation the IIRO assigned to the three
8 clinics that Butairi turned over, do you?

9 A. I do not remember this value, but I
10 want to highlight something important. And I
11 don't know whether this report mentions that or
12 not. Number one, the fire that destroyed the
13 documents, which was premeditated, was done by
14 Amir Jasim.

15 In addition to 15 financial
16 transfers, about them there were discussions
17 and lengthy communications between the IIRO and
18 Al-Rajhi Bank. Because in the records of the
19 General Secretariat, it shows that these
20 transfers were made to Pakistan, but they do
21 not appear in the accounts or the records of
22 the Pakistan office. And therefore, as an
23 assumption, maybe this figure mentioned here
24 represents a substantial part of these

1 transfers.

2 Q. Do you know when the clinics that
3 Butairi transferred to IIRO were established?

4 A. I do not know exactly, but it seems
5 that it happened after Amir Jasim and Butairi
6 gained a kind of experience after we have
7 established Al-Khalij [ph] clinic to examine
8 the expatriate workers. After the success of
9 that clinic, they have established three
10 prototypes of it in different parts.

11 The initial clinic that was
12 established was conducting the medical
13 examination of expatriate workers who are
14 supposed to be coming to the Gulf area, and the
15 money of the tests was paid in cash was
16 received by Amir Jasim, and he was not
17 depositing these funds into the IIRO accounts.

18 Q. Do you know how much money Butairi
19 and Jasim invested to establish each of the
20 clinics?

21 A. Of course, we were unable to obtain
22 this information, not from Butairi, nor from
23 Jasim.

24 And this reminds me of another

1 problem that I want to raise. Even when the
2 IIRO requested from banks the personal accounts
3 of Amir Jasim and Butairi, the banks refused.

4 Q. But the valuation the IIRO assigned
5 to the clinics at the time of the transfer was
6 based on the value at the time of the transfer,
7 not what Butairi and Jasim invested to
8 establish them, correct?

9 MR. LEWIS: Objection to form.

10 A. I think, and this is my personal
11 assumption, that the valuation of these clinics
12 was done based on the value at the time of the
13 equipment and furniture that was found in these
14 clinics.

15 MR. CARTER: I would ask the
16 reporter to mark as Basha-151 the
17 document produced at IIRO 168291, which
18 should be in the same Redwell.

19 (Exhibit Basha-151 marked for
20 identification and attached to the
21 transcript.)

22 BY MR. CARTER:

23 Q. Dr. Basha, do you recognize that
24 document?

1 A. I have just received it now.

2 Q. You don't recall having seen it
3 previously?

4 A. Please give me time to read it.

5 Q. Sure.

6 INTERPRETER: Yes, the document has
7 been read to the witness.

8 Q. And the sender of this document is
9 identified as Shoukat Hayat. Do you know who
10 that is?

11 A. I do not know him.

12 Q. And the letter conveys information
13 that Amir Jasim burnt records of the IIRO. And
14 am I correct that you received information
15 indicating that Mr. Jasim had, in fact, burned
16 IIRO records?

17 A. Yes. I was notified about that by
18 Mr. Salama Al-Quraani, who was the then-manager
19 of the legal department at the IIRO. And Amir
20 Jasim has admitted that to him in prison.

21 Q. And the letter says that he burned
22 the records on the orders of Moayad Al-Butairi.
23 Were you ever told that Mr. Butairi directed
24 Mr. Jasim to burn the records of the IIRO?

1 A. This was denied by Moayad.

2 Q. But the accusation was presented to
3 you?

4 A. Yes. It was presented orally by
5 Salama Al-Quraani.

6 Q. Mr. Quraani was the legal
7 consultant working on the case?

8 A. He was the manager of the legal
9 department at the IIRO and the member of the
10 committee of inquiry that was responsible for
11 examining the documents.

12 MR. NASSAR: Sean, I'm sorry, at
13 the top of the page, there's some Arabic
14 scribbled in that has a date on the
15 document. It didn't make it on -- I
16 think it's marked as illegible on the
17 English version on the first page. It
18 may be helpful in terms of timeline,
19 just to get it straight, to read out the
20 date. And then what's on ours is --
21 it's, I think -- October 17th, 2003 is
22 the date that's scrawled in Arabic. I'm
23 sorry, October 16th, 2003.

24 Q. Dr. Basha, your counsel has just

1 indicated that there is Arabic writing --
2 handwriting on the original version of the
3 document and that there is a date referenced.
4 Are you able to read the date?

5 A. I hardly can read it. It is -- the
6 day is the 16th, the month is not clear, and
7 the year is 2003.

8 MR. CARTER: I ask the court
9 reporter to mark as Basha-152
10 IIRO 111029.

11 (Exhibit Basha-152 marked for
12 identification and attached to the
13 transcript.)

14 THE WITNESS: Yes.

15 BY MR. CARTER:

16 Q. Dr. Basha, earlier you mentioned
17 that there was an issue with the loss of
18 original documents relating to the Jasim case.
19 Do you recall that?

20 A. Yes.

21 Q. Okay. And is Basha-152 a letter
22 that was sent to you regarding the documents
23 required by the Pakistani police in the Jasim
24 case?

1 A. Yes.

2 Q. And does it indicate that the
3 Pakistani police could not accept photocopies
4 of the documents for purposes of Mr. Jasim's
5 case?

6 A. Yes.

7 Q. And do I understand from this
8 document that whatever original documents were
9 available were sent to you to be handed over
10 for purposes of the case?

11 A. The original documents will be
12 contained in big cartons, and they cannot -- it
13 is illogical that they are all sent to the
14 Office of the Secretary General. But the
15 purpose of this letter is to seek a permission
16 from the Office of the Secretary General to
17 send the original documents that can only be
18 accepted in Pakistan.

19 Q. Okay. So as I understand it, the
20 Pakistani police said that they needed the
21 original documents in order to continue with
22 the Jasim case, correct?

23 A. Yes.

24 Q. And those original documents were

1 in the possession of the IIRO, correct?

2 A. Yes.

3 Q. And do I understand you to have
4 testified previously that the IIRO sent those
5 original documents to the Pakistani police but
6 said that the Pakistani police lost them?

7 A. Yes, by the acts of someone.

8 Q. Well, did the Pakistani police ever
9 confirm initial receipt of the documents?

10 A. The committee informed me that the
11 documents were sent by courier. They were not
12 sent with the office manager. And they were
13 hand-delivered to the person in the police who
14 requested them.

15 We were happy then because we
16 thought that having the original documents with
17 the police will reveal the truth. But what
18 happened is the documents disappeared.

19 Q. Did the fact that the documents
20 disappeared impair the efforts to prosecute
21 Mr. Jasim?

22 A. This was what has been requested by
23 the Pakistani police in order to prepare a
24 criminal prosecution.

1 Q. So I take it the answer is, yes,
2 the loss of the documents made it impossible
3 for the Pakistani police to move forward?

4 A. Yes. And there is another surprise
5 that came to our knowledge later on. We knew
6 that Amir Jasim has been released.

7 (The witness and interpreter
8 conferred in Arabic.)

9 A. He was released on bail on the
10 condition that he could be summoned any time.

11 MR. CARTER: I would ask that the
12 reporter mark as Basha-153 the document
13 produced at IIRO 127895.

14 (Exhibit Basha-153 marked for
15 identification and attached to the
16 transcript.)

17 THE WITNESS: Yes.

18 BY MR. CARTER:

19 Q. Dr. Basha, this appears to be a
20 2004 letter addressed to your attention.

21 A. Yes.

22 Q. And it references a letter to be
23 filed by Mr. Jasim with the IIRO office
24 petitioning the settlement of his case.

3 A. Yes. I have mentioned that there
4 was a written admission from him admitting the
5 cheating, and that he was responsible for that
6 cheating, and he did it on purpose, and
7 requesting amnesty to conclude the case after
8 he knew that Moayad Al-Butairi was in Saudi
9 Arabia, has given up the clinics.

10 Q. And the letter describes an
11 internal IIRO process that would need to be
12 followed in consideration of Mr. Jasim's
13 request, correct?

14 A. Yes.

15 Q. And do you know whether or not the
16 process described in this letter actually took
17 place?

18 A. Yes, they took place.

19 MR. CARTER: I ask the court
20 reporter to mark as Basha-154 a document
21 produced at IIRO 117362.

22 (Exhibit Basha-154 marked for
23 identification and attached to the
24 transcript.)

1 THE WITNESS: Yes.

2 BY MR. CARTER:

3 Q. Dr. Basha, is this a letter sent to
4 you in 2003 by the then-director of the IIRO's
5 Pakistan branch?

6 A. Yes.

7 Q. And the letter indicates that,
8 Given the lack of banks until now in
9 Afghanistan and the fact that we previously
10 used to transfer the funds in cash, and due to
11 the risks we could be exposed to.

12 Do you see that language?

13 A. Yes.

14 Q. Am I correct in understanding from
15 this letter that prior to the 2003 date of this
16 letter, the IIRO Pakistan branch transferred
17 funds to Afghanistan in cash?

18 A. What I understood the process that
19 was followed is that the manager of the IIRO
20 office in Afghanistan -- sorry, the
21 representative of the IIRO in Afghanistan will
22 be called to come to Pakistan to receive the
23 monthly salaries of the workers and to receive
24 the rental payments of the buildings and the

1 operational expenses. That's it. And then he
2 goes to Afghanistan to make these disbursements
3 and comes back with the documents, because
4 there weren't official banks operating in
5 Afghanistan at that time. And therefore, I see
6 that the expression to stop all projects is not
7 an accurate expression, and the office found
8 that it is -- this step is risky.

9 Q. Dr. Basha, during the period that
10 Mr. Butairi was the director of the IIRO's
11 Pakistan branch, was the Pakistan branch
12 responsible for the IIRO's activities in
13 Afghanistan?

14 A. Yes.

15 Q. Dr. Basha, do you recognize a
16 person named Mohammed Jamal Khalifa?

17 A. Yes.

18 Q. Have you ever met him personally?
19 (Reporter interruption.)

20 Q. Have you ever met him in person?

21 A. One time.

22 Q. When was that?

23 A. I do not recall the year exactly,
24 but this was based on a request from the

1 previous lawyer of the IIRO, Mr. Martin
2 McMahon.

3 Q. So you met him while this lawsuit
4 was ongoing?

5 A. By request from the lawyer.

6 Q. But was Mohammed Jamal Khalifa the
7 head of the Philippine office of the IIRO when
8 you became Secretary General of the IIRO?

9 A. No. He left the IIRO three or four
10 years before I joined it.

11 Q. When you became Secretary General
12 of the IIRO, did you receive information that
13 Mr. Khalifa had at one point been arrested by
14 U.S. authorities?

15 A. I knew that only when he came to
16 our office for the discussion with the lawyer
17 of the IIRO.

18 Q. Did you ever receive information
19 that Mr. Khalifa had fought in Afghanistan with
20 Osama bin Laden?

21 A. The accusations against Mohammed
22 Jamal Khalifa were written in an official
23 letter that was sent to him by the IIRO, and he
24 responded to them through a letter that he

1 wrote.

2 MR. CARTER: I'd like to ask the
3 reporter to mark as Basha-155 the
4 document produced at IIRO 3010 through
5 3011, along with the English
6 translation.

7 (Exhibit Basha-155 marked for
8 identification and attached to the
9 transcript.)

10 BY MR. CARTER:

11 Q. Dr. Basha, is the document we've
12 marked as Basha-155 the letter Mr. Khalifa sent
13 responding to the accusations against him?

14 A. This is the letter I mentioned a
15 while ago.

16 Q. And on the page bearing the stamp
17 3011, under a heading, Summary, Mr. Khalifa
18 says that, The organization's office and my
19 work in the Philippines were entirely legal and
20 they were under the oversight of the Saudi
21 Embassy.

22 Do you see that?

23 MR. LEWIS: Seems like it would be
24 fair to let him read the whole sentence

1 rather than cut it off in the middle of
2 the sentence.

3 Q. Dr. Basha, did you conduct any
4 inquiry to determine whether the IIRO's office
5 in the Philippines operated under the oversight
6 of the Saudi Embassy during the time that
7 Mr. Khalifa headed that office?

8 A. As I said, that Jamal Khalifa has
9 worked in the IIRO office for three or four
10 years, and he left before I joined the IIRO,
11 three or four years before that.

12 Q. So you don't know whether the
13 statement in his letter that his work was
14 conducted under the oversight of the Saudi
15 Embassy is correct or not?

16 A. I don't know.

17 Q. Dr. Basha, did you ever have any
18 interactions with a Saudi ambassador to the
19 Philippines named Mohammed Amin Waly?

20 A. Yes.

21 Q. In what context did you have
22 interactions with him?

23 A. The context of any communication
24 with any Saudi ambassador outside, requesting

1 some kind of facilitation or assistance.

2 Q. Do you know whether Ambassador Waly
3 ever intervened to get members of IIRO who had
4 been arrested in the Philippines out of prison?

5 A. This is the first time I hear that
6 members of the IIRO were arrested in
7 Philippines.

8 Q. So just to clarify, you don't know
9 whether Ambassador Waly ever intervened to help
10 IIRO employees in the Philippines get out of
11 prison?

12 A. I do not know that at all.

13 Q. Dr. Basha, earlier we talked a
14 little bit about the bombings of the U.S.
15 Embassies in Kenya and Tanzania, and you
16 were -- you indicated you were familiar with
17 those attacks, correct?

18 A. Yes, because sadly, as soon as I
19 joined the IIRO, we had these sad incidents,
20 this sad terrorist attack.

21 Q. Do you know whether Kenyan
22 authorities closed the IIRO office in Kenya in
23 connection with the investigation of those
24 attacks?

1 A. Yes, they have closed the office
2 and confiscated all the computers. But a week
3 or so after that, everything was reinstated
4 with a polite apology.

5 Q. Did the IIRO conduct any internal
6 investigation to determine if its branch in
7 Kenya was involved in the attacks?

8 A. For any problem that arises
9 regarding any of the offices of the IIRO, a
10 thorough inquiry is conducted, administrative,
11 financial, and for the workers in it, and if
12 necessary, the manager of the office will be
13 called for investigation.

14 Q. So did that process occur with
15 regard to the IIRO office in Kenya or Tanzania
16 after the bombings?

17 A. Yes.

18 Q. Do you know whether any documents
19 were created relating to that internal
20 investigation?

21 A. The investigation is conducted by
22 the relevant departments. In this case it is
23 the legal department. And the conclusions are
24 presented to me only.

1 Q. Do you recall receiving a report
2 from the legal department relating to an
3 inquiry of the Kenya or Tanzania offices?

4 MR. LEWIS: Objection. You used
5 the term "report." Do you mean to
6 suggest a written report or any sort of
7 report?

8 MR. CARTER: Any kind of report.
9 He said that the findings would be
10 reported to him.

11 A. In most of the cases, the findings
12 are discussed in a brief meeting in the office
13 of the Secretary General in the presence of the
14 manager of the concerned office and the manager
15 of the legal department.

16 (Cross-talk.)

17 MR. NASSAR: I think he also said,
18 "as well as the financial department."

19 (The witness and interpreter
20 conferred in Arabic.)

21 INTERPRETER: Sorry. "And the
22 financial department."

23 Q. Do you know whether or not the
24 legal department typically creates documents as

1 part of such an inquiry?

2 A. If it is required, yes.

3 MR. CARTER: I'd like the reporter
4 to mark as Basha-156 a document produced
5 at IIRO 287007 through 287013.

6 (Exhibit Basha-156 marked for
7 identification and attached to the
8 transcript.)

9 MR. LEWIS: Yeah, we've gone about
10 another hour and a half, so if this is a
11 quick document, we can do that, or we
12 can break now. It's really a
13 function -- I think our witness feels
14 fine; it's our translator and our court
15 reporter.

16 THE WITNESS: (In English.) Let's
17 do this one. It's okay.

18 MR. CARTER: I'll defer to you
19 guys.

20 MR. LEWIS: Is this a quick
21 document, Sean?

22 MR. CARTER: That's not entirely
23 under my control.

24 MR. LEWIS: Well, I understand

1 that, but some are quicker than others.

2 MR. CARTER: Why don't we take a
3 few minutes.

4 MR. LEWIS: Why don't we just take
5 a break now. I have 8:18. Shall we
6 start again at 8:30?

7 MR. CARTER: Okay. Thank you.

8 VIDEO OPERATOR: We are now going
9 off the video record. The time is 8:18.

10 (Recess from 8:18 p.m. until
11 8:35 p.m.)

12 VIDEO OPERATOR: We are now going
13 back on the video record. The time is
14 8:35.

15 BY MR. CARTER:

16 Q. Dr. Basha, before we took a break,
17 the court reporter marked as Basha-156 a
18 document that I understand to be minutes of a
19 1999 meeting of the IIRO's executive committee.
20 Is that correct?

21 A. Yes.

22 Q. And from the document, I understand
23 that you attended that meeting?

24 A. Yes.

1 Q. I just have a few questions about
2 it. Under the heading, Fourth Term, it
3 indicates an agenda item involving, reviewed
4 the issue of the fund of Mr. Wa'el Jelaidan.

5 Do you see that?

6 A. Yes.

7 INTERPRETER: The answer was "Yes."

8 Q. Did you know who -- at the time of
9 this meeting, did you know Mr. Jelaidan?

10 MR. NASSAR: Sorry, Sean, we have
11 an objection to the translation in the
12 written document. I think the term
13 "fund" should be properly translated as
14 "advance."

15 MR. CARTER: Okay, noted. Thanks,
16 Waleed.

17 Q. Mr. Basha, my question was, at the
18 time of this meeting in 1999, did you know
19 Mr. Jelaidan?

20 A. There was another meeting, I do not
21 remember the exact date of that meeting, it was
22 a meeting for the executive committee, and
23 members of the committee were asked to approve
24 the nomination of Mr. Wa'el Jelaidan as a

1 member in the urgent relief committee. I do
2 not know which meeting was before the other
3 one.

4 Q. Do you recall when you first met
5 Mr. Jelaidan?

6 A. The first time I met him was in the
7 meeting of the executive committee in which he
8 was nominated to be a member in the urgent
9 relief committee.

10 Q. And turning your attention to the
11 ninth agenda item, which appears on the page
12 marked 287012.

13 A. Yes.

14 Q. There is a reference to a
15 discussion about adding Mr. Jelaidan to the
16 urgent aid committee. Is that the issue you
17 were just mentioning?

18 A. Yes.

19 Q. So based on that, was this the
20 first time you met Mr. Jelaidan?

21 A. Yes.

22 Q. Had you communicated with him at
23 any point prior to this meeting?

24 A. No.

1 Q. Did you know him by reputation
2 prior to this meeting?

3 A. As a justification for his
4 nomination to be a member of the urgent relief
5 committee, it was said to us in this meeting
6 that he has an experience in the relief
7 operations.

8 Q. But prior to receiving his
9 credentials for the urgent relief committee,
10 had you ever received information about
11 Mr. Jelaidan previously?

12 A. I do not recall.

13 Q. At the time this meeting occurred,
14 had you ever heard that Mr. Jelaidan had a
15 relationship with Osama bin Laden dating to the
16 fighting in Afghanistan against the Soviet
17 Union?

18 A. For me personally, had I knew that,
19 I would have made reservations against this
20 decision or I would have rejected it.

21 Q. So based on that, do I understand
22 that your testimony is that you had not
23 received such information as of the time of
24 this meeting?

1 A. Yes.

2 Q. But if you had known that, you
3 would have deemed appointing him to serve on
4 the urgent relief committee inappropriate. Is
5 that correct?

6 A. Yes.

7 Q. Turning back to the fourth issue
8 briefly, do you recall what the --

9 MR. LEWIS: The fourth term?

10 Q. Fourth term. And do you recall
11 what the discussion about the fund or advance
12 of Mr. Jelaidan was about?

13 A. What I remember is that he had an
14 advance before he joins the IIRO, but I do not
15 know the background and the details of it.

16 MR. NASSAR: Sorry, I think the
17 answer -- I think the witness said,
18 "before I joined the IIRO," not before
19 Jelaidan joined.

20 (The witness and interpreter
21 conferred in Arabic.)

22 INTERPRETER: "Before I joined the
23 IIRO."

24 Q. Do you recall what the amount of

1 the advance was?

2 A. No, I do not recall.

3 Q. Do you know why the IIRO provided
4 the advance to Mr. Jelaidan?

5 A. I don't know, but I guess he was
6 working in Pakistan with the Saudi Red
7 Crescent, and maybe an advance was given to him
8 at that time. Maybe. I don't know.

9 Q. Turning to Term Nine that we were
10 discussing before, you referenced there was a
11 discussion to add Mr. Jelaidan as a member to
12 the urgent aid committee. Do you recall that
13 discussion?

14 A. Yes.

15 Q. And was that the urgent aid
16 committee of the IIRO?

17 A. In the IIRO, we do not have urgent
18 relief committee. We have a department for
19 urgent relief.

20 Q. So based on your involvement in
21 this, what was Mr. Jelaidan being proposed to
22 join as a member?

23 A. According to the text I see, it is
24 because of the importance to support the

1 efforts of the IIRO in the field of urgent
2 relief, and the nomination of people who are
3 interested in this field; not only him, another
4 name in the same session was also proposed,
5 Dr. Abdulaziz Jifry.

6 Q. So Mr. Jelaidan was being proposed
7 to join the urgent aid department of the IIRO,
8 correct?

9 A. The urgent relief committee.

10 Q. The urgent relief committee of
11 what?

12 A. Of the relief for the people of
13 Kosovo.

14 Q. Was that the Saudi Joint Relief
15 Committee of Kosovo and Chechnya?

16 A. No. There is an urgent relief
17 committee for Kosovo that is different than the
18 Saudi Joint Committee for the Relief of Bosnia
19 and Herzegovina.

20 Q. Was the urgent relief --

21 A. And that committee later on became
22 the Joint Saudi Committee for the Relief of the
23 People of Kosovo.

24 Q. And do I understand from this

1 document that the IIRO approved the nomination
2 of Jelaidan to serve as the head of that
3 committee?

4 A. As a secretary for the committee.

5 Q. As the Secretary General, correct?

6 A. As a secretary only.

7 Q. And do you recall who proposed
8 Mr. Jelaidan for that nomination?

9 A. I do not recall now, but it should
10 be one member of the executive committee.

11 Q. But you do not recall who that was?

12 A. I do not recall now.

13 Q. Turning to the sixth term, it
14 identifies an issue that was discussed
15 regarding the approval of an additional budget
16 for projects of the Eastern district office.

17 Do you see that?

18 A. Yes.

19 Q. And do you recall the discussion?

20 A. To some extent, yes.

21 Q. It indicates that there were
22 projects being financed directly by the Eastern
23 district office without the Care entity and the
24 Secretariat General knowing about it.

4 A. Well, in fact, the relationship
5 between the Eastern district office and the
6 General Secretariat is a relationship that is
7 marked by different opinions. The Eastern
8 district office view was that having the
9 project implementation and affiliation to the
10 General Secretariat is something that is
11 bureaucratic. And they justify that by saying
12 the donor wants a quick implementation of the
13 project.

21 And therefore, the external offices
22 of the IIRO are the other eye for the General
23 Secretariat. So even if the project is
24 implemented directly by the Eastern district

1 office, the external office would include the
2 project in its reports presented to the General
3 Secretariat.

4 So this was the point of difference
5 between us and them.

6 Q. So as I understand it, the office
7 in the Eastern district was sending money
8 overseas on its own to implement projects.

9 MR. LEWIS: Objection to form.

10 A. As I said, projects are implemented
11 by the external offices of the IIRO. And
12 therefore, the representative to that project,
13 rather than being sent by the General
14 Secretariat, he or she is sent by the Eastern
15 district office.

16 Q. Dr. Basha, it's a simple question.
17 Was the Eastern district office sending money
18 overseas on its own for projects?

19 A. It would send the funds from the
20 accounts of the Eastern district office to the
21 accounts of the external office.

22 Q. So the Eastern district office was
23 initiating funds transfers from its accounts to
24 offices outside Saudi Arabia, correct?

1 A. Yes, to the external offices of the
2 IIRO outside Saudi Arabia.

3 Q. And further down in this document,
4 it indicates that the projects of the Eastern
5 district office were being carried out in
6 Thailand, Indonesia, Jordan, Pakistan,
7 Baltistan, Palestine, Lebanon, India, Sudan,
8 Egypt, Philippines, and Ethiopia, correct?

9 A. Yes.

10 Q. And who was the head of the Eastern
11 district office at that time?

12 A. A person named Turki bin Fahad bin
13 Jiluwi.

14 Q. Was he a member of the Saudi Royal
15 Family?

16 A. Yes.

17 Q. Did you ask him to cut it out?

18 MR. NASSAR: By "cut it out," I
19 think he means "stop."

20 MR. LEWIS: Objection to form.

21 A. Yes.

22 Q. Did he comply with your request?

23 A. No.

24 Q. And during the period that this

1 discussion occurred, Mr. Butairi was the head
2 of the Pakistan branch, correct?

3 A. Yes.

4 Q. And during that same period,
5 Mr. Jasim was the financial officer of the
6 Pakistan office, correct?

7 A. Yes.

8 Q. And Pakistan was one of the areas
9 where the Eastern district office was carrying
10 out these projects, correct?

11 A. Yes.

12 MR. CARTER: I'd like the court
13 reporter to mark as Basha-157 a document
14 produced at IIRO 49708. It's actually
15 three related documents, I'm sorry, that
16 were produced at 49708, 49709, and
17 49710.

18 (Exhibit Basha-157 marked for
19 identification and attached to the
20 transcript.)

21 BY MR. CARTER:

22 Q. Dr. Basha, I want to look first at
23 the top document, 49708.

24 A. Yes.

1 Q. And is this a letter that you sent
2 from -- or you sent to the Secretary General of
3 the Muslim World League concerning a meeting
4 about the Eastern district office?

5 A. Yes.

6 Q. Do you know what precipitated this
7 meeting?

8 A. A report of the auditor contained
9 some remarks about the office. And therefore,
10 the executive manager and the follow-up manager
11 were summoned to the General Secretariat to
12 discuss these issues. These are payments that
13 were made without the supporting documents.

14 Q. So does this document indicate that
15 an audit discovered that Mr. Khalil Ibrahim of
16 the Eastern district office had made payments
17 without supporting vouchers?

18 A. Yes.

19 Q. And do you recall the amount of the
20 payments that were made by Mr. Ibrahim without
21 supporting documentation?

22 A. No, I do not remember.

23 Q. Are you able to provide any
24 estimate whatsoever?

1 A. It will be an improvised
2 estimation.

3 Q. Are you able to provide any fair
4 estimation?

5 A. I apologize doing that because it
6 has been 19 years.

7 Q. What was Mr. Ibrahim's position in
8 the Eastern district office?

9 A. The office manager for the previous
10 regional supervisor.

11 Q. Do you know who he reported to in
12 that role?

13 A. The regional supervisor.

14 Q. And who was that?

15 A. Prince Turki.

16 Q. And that's Prince Turki bin Fahad
17 bin Jiluwi, correct?

18 A. Yes.

19 Q. And further down in the document,
20 it references that the committee that was
21 studying this issue met with Prince Turki bin
22 Fahad bin Jiluwi before his resignation and
23 discussed the auditor's report.

24 Do you recall what prompted Prince

1 Turki bin Fahad bin Jiluwi to resign as the
2 supervisor of the regional office?

3 A. Because the report of the auditors
4 refused the behavior -- the individual behavior
5 of the Eastern district office, and their
6 actions without the knowledge of the General
7 Secretariat, and the financial regulations.
8 And it's a violation of the regulations.

9 Q. So he resigned in response to the
10 auditor's findings?

11 A. Because he did not wish to
12 implement the recommendations of the auditor.

13 MR. CARTER: I'd ask the court
14 reporter to mark as Basha-158 the
15 document produced at IIRO 287391.

16 (Exhibit Basha-158 marked for
17 identification and attached to the
18 transcript.)

19 THE WITNESS: Yes.

20 BY MR. CARTER:

21 Q. And is this an administrative
22 decision issued under your signature confirming
23 this -- Prince Turki bin Fahad bin Jiluwi's
24 resignation?

1 A. Yes.

2 Q. And through this same
3 administrative decision, was an individual
4 named Dr. Abdul-Hamid bin Sulaiman Al-Mujil
5 appointed the new executive director of the
6 Eastern district office?

7 A. He was already the executive
8 director. When Prince Turki was the general
9 supervisor, this person was the executive
10 director. And therefore, he was assigned to be
11 the acting manager or in charge of the office
12 sine die.

13 (Reporter interruption.)

14 (Cross-talk.)

15 Q. Before deciding that Mr. Al-Mujil
16 should be designated to be in charge of
17 managing the Eastern district office going
18 forward, did the IIRO conduct an inquiry to
19 determine whether he was also involved in the
20 problems reflected in the auditor's report?

21 A. I rely now on my memory. I recall
22 that the auditor's report connected all the
23 violations to requests from the Prince. And
24 therefore Abdul-Hamid Al-Mujil did not have any

1 role in these violations.

2 Q. Was there a written auditor's
3 report that you're referring to?

4 A. Yes.

5 MR. CARTER: I'll ask the reporter
6 to mark as Basha-159 a document produced
7 at FED-PEC0202110 through 0202112.

8 A. But before that I want to mention
9 something important now, that the auditor's
10 report was handed over to the chairman of the
11 board of directors.

12 Q. And that would have been the
13 Secretary General of the Muslim World League?

14 A. Yes.

15 Q. And the IIRO didn't keep a copy of
16 its own auditing department's report?

17 A. I do not remember receiving a copy
18 of it.

19 Q. But the report would have been
20 delivered to the Secretary General of the
21 Muslim World League in 2003?

22 A. Yes, it was delivered to him, but I
23 do not recall the year exactly. It was after
24 the conclusion of the inquiry.

1 Q. And the Secretary General of the
2 Muslim World League at that time was Abdullah
3 bin Abdul Mohsin Al-Turki, correct?

4 A. I remember that his name was
5 Abdullah Obaid.

6 Q. Okay. Just turning back to
7 Basha-157, that document is a letter from you
8 concerning the audit addressed to His Highness
9 Dr. Abdullah bin Abdul Mohsin Al-Turki,
10 Secretary General of the Muslim World League.
11 So based on that --

12 A. Yes.

13 Q. Okay. So based on that, can you
14 tell me whether, in fact, Dr. Al-Turki was the
15 Secretary General at the time of the audit?

16 A. I think the report was issued
17 during the tenure of Dr. Abdullah bin Obaid.
18 And he was then replaced by Dr. Abdullah
19 Al-Turki. I'm here relying on my memory.

20 Q. Okay. But based on the document we
21 marked as Basha-157, you obviously communicated
22 with Dr. Al-Turki about this precise issue,
23 correct?

24 A. Yes.

1 Q. Dr. Basha, before we pivoted, I had
2 marked a document as Basha-159. And it's in
3 English.

4 (Reporter interruption.)

5 (Exhibit Basha-159 marked for
6 identification and attached to the
7 transcript.)

8 BY MR. CARTER:

9 Q. Dr. Basha, this is an August 3,
10 2006 press release from the United States
11 Department of the Treasury relating to the
12 United States' designation of the Philippine
13 and Indonesian branches of the IIRO, and
14 Abdul-Hamid Sulaiman Al-Majil, for facilitating
15 fundraising for Al Qaida.

16 Were you aware that the U.S.
17 government took those actions against the
18 branches of the IIRO and Mr. Mujil?

19 A. This is what I was told by the
20 lawyer.

21 Q. Did the IIRO conduct an
22 investigation, following these designations,
23 into the U.S. claim that the offices referenced
24 and Mr. Mujil were involved in supporting Al

1 Qaida?

2 A. Yes.

3 Q. And did the IIRO prepare any
4 written reports as a result of that
5 investigation?

6 A. The actions taken by the IIRO are
7 that the papers of all these offices were
8 reviewed, the administrative and financial
9 papers, and the files of the staff members who
10 were working in these offices. And the
11 conclusion was that all the procedures were
12 sound for us, but it was not in writing.

13 The most important thing here is
14 that our office in Indonesia was operating
15 during this designation, and furthermore, it
16 was receiving letters of appreciation in
17 relation to its operations.

18 As far as the Philippines office is
19 concerned, we had only a mission there --

20 (In English.) A representative.

21 INTERPRETER: "A representative,"
22 sorry.

23 A. (Through interpreter.)

24 -- a representative there who was

1 responsible for supervising projects, and these
2 projects did not stop.

3 And this indicates that the
4 responsible governments in these two countries
5 did not have comments on the operations of
6 these offices.

7 Q. Okay. Well, let's stick to what
8 I'm asking you for the moment. Did -- the
9 document indicates that the U.S. government had
10 concluded that Al-Mujil provided donor funds
11 directly to Al Qaida.

12 A. We have confronted him by this
13 claim, and he absolutely denied this.

14 Q. Okay. But you did determine that
15 there were financial improprieties occurring in
16 the Eastern district office, correct?

17 MR. LEWIS: Objection to the form.

18 A. Yes. The financial improprieties
19 were there in the office.

20 Q. Dr. Basha, we obtained information
21 in our investigation indicating that the Saudi
22 Ministry of Interior conducted an investigation
23 of the IIRO Eastern Province branch. Were you
24 aware of that?

1 MR. LEWIS: Objection to form.

2 A. No.

3 Q. Do you recall whether the Saudi
4 government ever requested that the IIRO provide
5 information to it so that it could conduct an
6 investigation of the Eastern Province branch
7 and Mr. Mujil?

8 A. I do not recall that.

9 Q. Dr. Basha, there's a document I'd
10 like to show you that we're just going to have
11 to post on the screen. It is Defendant IIRO's
12 Amended Answer to Claimant's First Amended
13 Complaint. It is a filing the IIRO submitted
14 to the Court in our case on December 13, 2005.

15 Dr. Basha, do you know whether or
16 not you ever reviewed this document before it
17 was filed?

18 A. This is the first time I see it.

19 Q. If possible, can we turn your
20 attention to the last page of the document,
21 which hopefully is on the screen right now.
22 And it indicates that the document was
23 submitted by a lawyer named Martin McMahon. Do
24 you see that at the bottom?

1 A. Yes, I see it.

2 Q. And was Mr. McMahon the IIRO's
3 attorney in 2005?

4 A. I do not recall the date, but he
5 was the lawyer of the IIRO, yes.

6 Q. And did you have direct contact
7 with Mr. McMahon relating to his representation
8 of the IIRO?

9 MR. LEWIS: Objection to form.

10 A. Yes.

11 Q. Looking up the page, it says, under
12 the title, 13th Affirmative Defense, Immunity,
13 IIRO is an instrumentality of the government of
14 the Kingdom of Saudi Arabia. Accordingly, IIRO
15 is immune from suit.

16 Do you see that?

17 A. Yes.

18 Q. Did you discuss with Mr. McMahon
19 the IIRO's status as an instrumentality of the
20 government of the Kingdom of Saudi Arabia?

21 MR. LEWIS: I'm going to object to
22 that as privileged. What he discussed
23 with his lawyer at the time is
24 privileged information.

1 You can ask him what his
2 understanding is as to whether it's an
3 instrumentality.

4 And he also said he's seeing this
5 for the very first time today.

6 But I don't think you can ask him
7 what he discussed with his lawyer.

8 MR. CARTER: That's fine.

9 Q. Dr. Basha, this document was filed
10 by the IIRO stating its position with regard to
11 matters relevant to the lawsuit. And in this
12 document, the IIRO represented to the Court
13 that it was entitled to claim status as
14 instrumentality of the government of the
15 Kingdom of Saudi Arabia and that it was
16 therefore immune.

17 Do you understand what basis the
18 IIRO had for making that claim?

19 A. The IIRO never claims that it is an
20 instrument of the government of Saudi Arabia.
21 And its constitution declares that very simply,
22 and in all its publications. And all these
23 documents were given to the lawyer. And when
24 any lawyer wants to change the facts, he should

1 have consulted with the concerned people before
2 doing that.

3 MR. LEWIS: Dr. Basha was not
4 referring to us.

5 A. And this did not happen in our
6 case. I'm talking about Martin McMahon.
7 Therefore, I am surprised to see this.

8 MR. CARTER: Why don't we just take
9 five minutes. We're basically done, but
10 we just want to collect our thoughts and
11 we'll come back.

12 MR. LEWIS: Okay. Very good.

13 VIDEO OPERATOR: We are now going
14 off the video record. The time is 9:30.

15 (Recess from 9:30 p.m. until
16 9:42 p.m.)

17 VIDEO OPERATOR: We are now going
18 back on the video record. The time is
19 9:42.

20 MR. CARTER: Dr. Basha, when we
21 were off the record, I just spoke to
22 counsel for the IIRO and Muslim World
23 League and let him know that we don't
24 have any further questions, and I

1 understand that counsel on your side
2 doesn't have any further questions, so
3 with that, we are concluded with your
4 deposition. We appreciate and thank you
5 for your time.

6 THE WITNESS: May you allow me to
7 say something?

8 MR. CARTER: Certainly.

9 THE WITNESS: First of all, I'd
10 like to thank the gentlemen in the
11 United States for their patience because
12 of our -- because of the lack of
13 understanding from our side about these
14 deliberations. Because for me, it is
15 the first time to be in such position.
16 And especially today, I spoke sometimes
17 at length, and I apologize for that.

18 But in conclusion, I would like to
19 confirm to you all that terrorism, as
20 the IIRO believes, and my own belief, is
21 a cold tool or way to cause damage to
22 all the innocent people worldwide. And
23 it is a tool that is forbidden in all
24 the divine religions, and never approved

1 in any international laws or treaties.

2 And it is inconsistent with the peaceful
3 nature of mankind. And therefore, we in
4 the IIRO, when I was in it, terrorism
5 caused us another heavy burden, to treat
6 the victims of terrorism.

7 And thank you in all cases.

10 MR. CARTER: Thank you. Not
11 everyone agrees with the sentiments you
12 just expressed, unfortunately.

13 THE WITNESS: Thank you.

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C E R T I F I C A T E

2

3 I, Lisa V. Feissner, RDR, CRR, CLR,
4 Notary Public, certify that the foregoing is a
5 true and accurate transcript of the deposition
6 of said witness, who was first duly sworn by me
7 pursuant to the stipulation of counsel on the
8 date and place hereinbefore set forth.

9 I further certify that I am neither
10 attorney nor counsel for, nor related to or
11 employed by, any of the parties to the action
12 in which this deposition was taken, and
13 further, that I am not a relative or employee
14 of any attorney or counsel employed in this
15 action, nor am I financially interested in this
16 case.

17

18

19 Lisa V. Feissner, RDR, CRR, CLR
20 Notary Public

21 Dated: February 26, 2019

22

23 (The foregoing certification of this
24 transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

1

INSTRUCTIONS TO WITNESS

2

3 Please read your deposition over
4 carefully and make any necessary corrections.

5 You should state the reason in the appropriate
6 column on the errata sheet for any change made.

7 After doing so, please sign the errata
8 sheet and date it.

9 You are signing it subject to the
10 changes you have noted on the errata sheet,
11 which will be attached to your deposition. You
12 must sign in the space provided. The witness
13 need not be a notary public. Any competent
14 adult may witness your signature.

15 It is imperative that you return the
16 original errata sheet to the deposing attorney
17 within thirty (30) days of receipt of the
18 deposition transcript by you. If you fail to
19 do so, the deposition may be deemed to be
20 accurate and may be used in court.

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1 WITNESS NAME: ADNAN BASHA
2 DEPOSITION DATE: FEBRUARY 21, 2019

3

4 ERRATA

5 PAGE LINE CHANGE REASON

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1 ACKNOWLEDGMENT OF DEPONENT

2

3 I hereby acknowledge that I have read
4 the foregoing deposition dated FEBRUARY 21,
5 2019, and that the same is a true and correct
6 transcription of the answers given by me to the
7 questions propounded, except for the changes,
8 if any, noted on the attached Errata.

9

10

11 SIGNATURE:

ADNAN BASHA

12

13 DATE :

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17 WITNESSED BY:

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19 DATE:

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LAWYER'S NOTES

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In re Terrorist Attacks on September 11, 2001, MDL No. 03-1570 (GBD)**ERRATA SHEET FOR THE TRANSCRIPT OF:**

Deponent: Dr. Adnan Basha

Dep. Date: February 20 & 21, 2019

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
12:9-10	in federal court in Philadelphia in Manhattan.	in federal court in Manhattan.	Interpreter Commentary Added
21:15-18	In comparison to my Arabic language, I face difficulty because of the differences of -- in the level of my fluency, both	In comparison to Arabic, there is difficulty because of the differences between the two languages	Interpreter Mistranslation
25:2-3	He chairs the administration and the finance of the Muslim World League.	He chairs the MWL, chairs its administrative and financial body.	Interpreter Omission
26:2-5	To receive all the incoming papers and transactions that are addressed to the Secretary General from the different departments of the League.	To receive all of the incoming documents and communications addressed to the Secretary General from the various departments at the League.	Interpreter Mistranslation
28:6-8	Yes, either as escorting the Secretary General or accompanying him in some meetings.	Yes, either accompanying the Secretary General or as his representative in some meetings.	Interpreter Mistranslation
29:6-7	As an organizational chart, you mean?	As an organizational structure?	Interpreter Mistranslation
29:11-15	The General Secretariat has business and projects outside Saudi Arabia. It has different departments. And the general manager is responsible for supervising these departments.	The MWL's Secretariat General has activities, projects and programs found outside of the Kingdom of Saudi Arabia and there are departments specialized in various fields at the MWL. And the general manager is the administrative person-in-charge or the administrative supervisor over this work.	Interpreter Omission
31:7-9	The mandate of the Muslim World League is to introduce Islam within the Muslims.	Educate on Islam, the MWL's mission is to educate Muslims about Islam.	Interpreter Mistranslation

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
32:3-8	When we say educating Muslims about Islam, I mean here that Muslims for centuries have been subject to ignorance, and they are away from Islam, and the Muslim World League is introducing to them the principles of Islam and lighting the pathway for them.	What's meant by educating on Islam, when we talk about Muslims, the Muslims have suffered for a long period of time from periods of ignorance and illiteracy during which they deviated from the basic principles and main outlines of Islam. The MWL came to light up this path for them.	Interpreter Mistranslation
39:3	This is not my function.	This is not part of my duties.	Interpreter Mistranslation
42:23-43:1	And when the student receives the admission from a particular university and we have the financial resources, we approve it.	When he receives the acceptance and we see that this acceptance is certified and we have the financial resources to fund it, it is accepted.	Interpreter Omission
46:8-10	I remember once that I was a companion Sheikh Mohammed al-Harkan when he traveled to Pakistan en route to Japan.	I remember that I also once visited Pakistan as a companion as part of a delegation headed by Sheikh Mohammed al-Harkan to visit Pakistan on his way to Japan	Interpreter Omission
49:1	This was news in all newspapers.	This was being circulated in all of the newspapers.	Interpreter Mistranslation
56:5-7	The IIRO was established by a resolution from the founding council of the Muslim -- World Muslim League.	The IIRO was established by a resolution from the Constituent Council of the Muslim World League.	Interpreter Mistranslation
57:10-13	The IIRO, as stipulated in its articles of association or constitution, it is an organization that has its independent administrative and financial structure.	The IIRO, as stipulated in its articles of association and its constitution, that it is an international organization that has its own independent administrative and financial entity.	Interpreter Omission
58:12-13	When I talk about the time period, I talk about the time period I served in the IIRO, and before that, we had this organizational structure.	When I talk about the time period, I talk about the time period during which I served at the IIRO. Prior to that, this is possibly what was present at that time.	Interpreter Mistranslation
69:14-15	The IIRO has local offices in Saudi Arabia and different regions of Saudi Arabia.	IIRO-KSA has domestic offices distributed in some regions in the Kingdom.	Interpreter Mistranslation

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
69:24-70:3	If the relevant department responsible for donations and the General Secretariat wishes to obtain this information, it can obtain it from the local office.	If the department concerned with the donation at the secretariat general wishes to obtain this information it obtains it from the domestic office.	Interpreter Mistranslation
70:17-18	We were using the system of DataFlex for all the computers in the IIRO.	We were using the DataFlex system for all of the departments at IIRO.	Interpreter Mistranslation
75:8	The foreword is not signed.	It is not issued with a signature.	Interpreter Mistranslation
78:4-5	Yes, it is correct, and this is a sort of respect.	Yes, that is correct and this is a matter of respect. Only a matter of respect.	Interpreter omission
80:7-18	The emergency relief has a specific department in the headquarters, and this department is responsible for the emergency relief operations. But this does not prevent some members of the external offices -- (In English.) Domestic. The domestic. (Through interpreter.) But this does not prevent some members of the domestic offices of the IIRO from engaging if they want to volunteer -- if they want to volunteer in the relief campaigns.	Emergency relief has an independent department at the secretariat general, and this department carries out the emergency relief campaign. This does not preclude the presence of a number of volunteering members of the domestic offices who wish to contribute to this campaign. To the relief campaigns.	Interpreter misinterpretation
90:22-91:1	The internal office is like a second eye for the General Secretariat for that particular region, and it monitors the project being implemented.	The domestic office to which this mission is assigned serves as the other eye for the Secretariat General for that region and it monitors the progress of the implemented project.	Interpreter Omission
92:1-7	But all the accounts of the external offices are sent to the General Secretariat, and the General Secretariat has an external auditor who conducts the auditing of the IIRO. And it takes -- the external auditor would take samples of the offices that require further auditing.	However, all the accounts of the office abroad reach the General Secretariat, and the chartered accountant at the secretariat general, when he audits IIRO's annual final accounts, he takes random samples at these offices for auditing and accounting.	Interpreter Mistranslation;

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
97:5-8	And the Secretary General of the League, who is a member of the board of directors, he's also a member of this council.	And the Secretary General of the MWL, the chairman of the board of directors, is a member of this council.	Interpreter Omission
102:14-15	Social welfare houses and caring for the orphans.	The social welfare orphanages and orphan sponsorships.	Interpreter Mistranslation
116:13,14	If someone from the universities, I do not remember.	If it wasn't someone from the universities then I don't remember, I don't remember.	Interpreter Mistranslation
117:19-20	Mostly it would be the relief department.	Most probably the relief department.	Interpreter Mistranslation
120:9	It presents only the headings.	It only presents the general outlines.	Interpreter Mistranslation
124:14-16	In accordance with the constitution, the board of directors would meet twice a year.	In accordance with the constitution and regulations, the board of directors meets twice a year.	Interpreter Omission
132:15-16	And he endowed a full house for the benefit of the IIRO.	And he endowed an entire orphanage for the benefit of the IIRO.	Interpreter Mistranslation
136:7-12	Not a coincidence, but to say that for purposes to serve the IIRO -- for example, in saying that Hassan bin Ali Marfak donated a whole building for the IIRO.	It is not a coincidence, but for purposes that serve the IIRO, for example, saying that Hussain Ali Marfak donated a whole building to the IIRO as an endowment.	Interpreter Mistranslation
137:12-16	If it is so, there are four members of the board of directors of the IIRO who are affiliated with the Muslim World League -- who are members of the Constituent Council of the Muslim World League, four members.	If as such, there are four members of IIRO's Board of Directors who are members of the Constituent Council... as members of the MWL's Constituent Council...four.	Interpreter Mistranslation

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
155:6-7	Not familiar in terms I work for it.	Not familiar as I don't work for it.	Interpreter Mistranslation
156:6	His name is Abdulaziz Al-Omar.	His name is Abdulaziz Al-Ammar	Transcription Correction
157:6-7	I do not exactly recall, but I think it's between eight to ten people or more.	I do not remember the exact number but more than 8 to 10 people.	Interpreter Mistranslation
160:12-15	"Da'wah" means -- "da'wah" means establishing the Islam with Muslims and teaching them the principles and the guidelines of Islam.	Da'wah" means maintaining the faith of the Muslims and their understanding of the principles and the guidelines of Islam.	Interpreter mistranslation
161:4	propagators	preachers calamities.	Interpreter mistranslation
165:20-22	The figure 1,000 propagators was estimated. I do not recall the exact number now.	This "approximately 1000 preachers" was an estimated number but I don't remember now the exact number.	Interpreter Mistranslation; Omission
167:7-9	The text says that. It says "about 1,000." So it means it is less than that in Arabic.	That's what the text says. It says "approximately." "Approximately" in the Arabic language means a number less than 1000.	Interpreter Mistranslation
167:12	"About" means "around."	"Approximately" means "around."	Interpreter Mistranslation
167:16	Enlightened	In writing	Transcription correction
169:12-17	Here in the letter it says that it is the function of the committee to oversee the propagators, then conduct the courses. But the -- it does not say that the propagators were distributing the publications and the tapes then.	In the text here it says, it is the committee's mission to supervise the missionaries, hold courses and distribute publications. However, this doesn't mean that the missionaries are carrying this out at that time.	Interpreter Mistranslation;
170:1	propagators	preachers	Interpreter Mistranslation
170:22	propagators	preachers	Interpreter Mistranslation

PAGE/LINE	CHANGE TRANSCRIPT FROM:	CHANGE TRANSCRIPT TO:	REASON FOR CHANGE/OTHER ISSUE
172:8	propagators	preachers	Interpreter Mistranslation
173:4-7	The meaning is that the da'wah is a field for contribution in order to consolidate the efforts, and not to waste the efforts and the capacities.	The meaning in Arabic is that da'wah is a field for the contribution of maintaining the faith of Muslims and to avoid wasting efforts and energies which occur due to the existence of duplication of work.	Interpreter omission
46:1-2	every charity or party do have political directions,	every association or party has political orientations,	Interpreter Mistranslation;
197:20-198:2	Well, it -- the decision says that this is a secondment of an employee who works for the Ministry of Islamic Affairs, and in order to transfer the services of this person from his ministry to a new entity, this requires the approval of his direct supervisor.	In the same decision it says that this is a secondment. He is an employee at the Ministry of Islamic Affairs, and therefore the request for the transfer of his the services to the work at IIRO requires the approval of a direct supervisor. And the direct supervisor in this case is must be his minister.	Interpreter Omission
200:4-5	Yes, in his capacity as in charge of the administrative and financial affairs.	Yes, in his capacity as the person in charge of the financial and administrative affairs.	Interpreter omission
203:1-3	--after we brought [sic] with the concerned authorities to make sure that the request will be accepted.	After we bring up the possibility of the request being accepted to the concerned authorities.	Interpreter Mistranslation
215:15-216:2	For two reasons. The first reason is Moayad Al-Butairi, he held Amir Jasim accountable for that, and he declined any form of responsibility -- sorry, he denied any form of responsibility. And the second reason is that he remained in Pakistan for one week during the stay of the delegation from the IIRO, and he was not arrested by the Pakistani police. And therefore, we preferred to bring him to Saudi Arabia in order not to lose our cards. And therefore, at that time, the	For two reason. The first, is that Moayad Al-Butairi, as I previously mentioned, held Amir Jasim accountable and denied any responsibility and denied that he had any involvement in this matter. The second reason is that he remained in Pakistan for a period of one week after the incident, during the presence of the IIRO delegation, and the Pakistani police did not arrest him. Therefore, we preferred to bring him to Saudi Arabia to avoid losing our cards. Therefore, the conclusive evidences at that time were	Interpreter Mistranslation

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	conclusive evidences were incomplete.	incomplete.	
216:10-217:1	In order to have the conclusive evidences, this took some time from us. And it required a lot of patience. And therefore when Moayad Al-Butairi found that he has -- in front of him he has the chance of being arrested, just that, he wrote a waiver -- he wrote a waiver or an assignment of the three clinics he had [unclear words], which he operated from the embezzled funds from the IIRO. And therefore, in comparison to the long period of time that was consumed with Amir Jasim, in this case the IIRO, in a very short period of time, was able to retrieve its funds, to know -- or to discover how the theft happened, and who stole the money, and to which bank the money was deposited.	To reach the conclusive evidences, this took us some time and a lot of patience. And therefore, when Moayad Al-Butairi found there was no chance in front of him but to be arrested, he wrote a waiver conceding the three clinics affiliated with him and Amir which he operated using the funds embezzled from the IIRO. And therefore, the IIRO was able, in a very short time relative to what took place with Amir Jasim, the matter of which took a long time from us, IIRO was able to retrieve its funds and to find out how the theft was carried out, who stole and at which bank it took place and it regained it.	Interpreter Mistranslation
218:8-15	For the IIRO, it was a financial problem, but we have managed to contain it and to precisely identify it, and to prevent its recurrence by adopting some mechanisms, and to set an example for other employees that whoever dares to conduct such act will meet the fate of dismissal. And this is what happened to Amir Jasim and Moayad Al-Butairi.	For the IIRO, it was a financial problem that took place, but we were able to overcome, contain, and avoid it in the future by changing some mechanisms and setting an example to all of the other employees that anyone who dares to carry out such an action will be fired and this is what happened to Amir Jasim and Moayad Al-Butairi.	Interpreter Mistranslation
220:10-11	Yes. And the committee was given all the powers to take the wide decision.	Yes. And it was delegated all the powers to take the suitable decision.	Interpreter Mistranslation

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220:14-17	We found it sufficient, based on the advice of the lawyers, to retrieve our funds -- to recover, sorry, to recover our funds, and we considered it closed.	Based on the lawyers' advice, we found it sufficient to obtain our money and the man was terminated.	Interpreter Mistranslation and Omission
221:6-18	It's not that we settled, but we have recovered our funds. And actually, this allowed us to conduct a thorough review of the rules and regulations that we had because they contained some gaps that allowed Amir Jasim to do what he did. Amir Jasim was one of the most efficient accountants and one of the oldest employees in the IIRO, and Moayad Al-Butairi also was receiving the title of the ideal manager. And with all that, they have managed to take advantage of the gaps, but with a review, we have closed them.	Not that we resolved the matter, we obtained our funds and we don't want more than that. It was also an opportunity to review the rules and regulations through which Amir Jasim was able to...from some of the gaps in them... and who was considered to be one of the first accountants at the IIRO and one of the most competent accountants, and well as Moayad al-Butairi who consistently received the title of model director...but despite this they were able to find gaps and therefore, we were able to fix even the mechanisms that included some gaps.	Interpreter Mistranslation
222:10-19	I mean that there was no bias. The committee composed of people from the financial follow-up department, which is like a controller, over the performance of the finance department and the offices. And it is the financial -- and the second member was the financial controller before any disbursement, and the third member was from the legal department, and all of these departments are reporting to the Secretary General directly.	What I mean by unbiased entities, is that the committee was made up of members from the Department of Financial Oversight which serves as the financial controller over the performance of the Financial Department and the offices and the pre-disbursement financial controller, the second member, the financial controller. The third member is the legal department and they are all departments affiliated directly with the Secretariat General.	Interpreter Mistranslation
229:11-13	It is supposed to mention the number of this letter and the name of the person and the department that approved that.	It is supposed to mention the number of the letter, its date, and the name of the man, or the name of the department or director who	Interpreter omission

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		assigned them with this.	
230:3	issue of Pakistan.	issue of Pakistan and take the necessary action.	Interpreter omission
231:8-11	Well, when this text is mentioned in auditor's report, and based on my humble experience about the financial reports in the General Secretariat of the IIRO,	Ok, when this stuff comes from a report from the office of a chartered accountant at this level, from my humble experience in the field of financial reports with regards to the Secretariat General,	Interpreter omission
232:11-14	And in the General Secretariat, there is an auditor who reviews or audits the final accounts and presents to the board of directors a report about the final accounts.	And at the Secretariat General there is a chartered accountant who annually audits the final accounts and presents a report to the board of directors and general assembly about the final accounts.	Interpreter omission
232:21-233:6	And these auditing firms, they take -- they randomly audit the local offices, some local offices, and some external offices, focusing on the important ones. On top of them is the Pakistan office. And if any auditing firm discovers this case as referenced to in this report, it would have written that and proved that in the report presented to the board of directors and the general assembly.	And all of these offices randomly audit a number of the domestic offices and some of the offices abroad, and at the top of these are some of the big offices such as the Pakistan office. And if any chartered accountant's office had discovered a mess such as the one mentioned in the report, it would have written and documented this in the report presented to the board of directors and the general assembly.	Interpreter mistranslation
237:9	imprisonment	embezzlement	Transcription Correction
240:4-17	I do not know exactly, but it seems that it happened after Amir Jasim and Butairi gained a kind of experience after we have established Al-Khalij [ph] clinic to examine the expatriate workers. After the success of that clinic, they have established three prototypes of it in different parts. The initial clinic that was	I don't remember the date but I link it with [the fact] that after he gained experience, him and Amir Jasim, with the clinic, which we called the Khaleej Clinic for the examination of expatriate workers, and this clinic succeeded, he made prototypes of it in three other regions using the IIRO funds that came from the medical examination, this medical examination	Interpreter Omission

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	established was conducting the medical examination of expatriate workers who are supposed to be coming to the Gulf area, and the money of the tests was paid in cash was received by Amir Jasim, and he was not depositing these funds into the IIRO accounts.	of expatriate workers which was directed at the Gulf and Saudi Arabia. It was in cash and therefore, it was delivered to Amir Jasim and he did not enter it into the IIRO accounts and he took advantage of it.	
250:5-8	And therefore, I see that the expression to stop all projects is not an accurate expression, and the office found that it is -- this step is risky.	Therefore, it seems that the sentence "cessation of all programs" is an incorrect expression. What he means is that there should be...that even in this step, the office found there to be some risks in it.	Interpreter Omission
253:9	IIRO Office	Philippines Office	Interpreter mistranslation
254:19-20	we had these sad incidents, this sad terrorist attack.	very unfortunately, this unfortunate terrorist incident happened, yes.	Interpreter Mistranslation
264:2-5	and the nomination of people who are interested in this field; not only him, another name in the same session was also proposed, Dr. Abdulaziz Jifry	and the nomination of people who have experience in this field; it was not only him, another name was proposed in the same meeting, in the same session, Dr. Abdulaziz Jifry.	Interpreter Mistranslation
120:12-13	Of the relief for the people of Kosovo.	What I believe now, the one affiliated with relief for the people of Kosovo.	Interpreter Omission
272:3-8	Because the report of the auditors refused the behavior -- the individual behavior of the Eastern district office, and their actions without the knowledge of the General Secretariat, and the financial regulations. And it's a violation of the regulations.	Because the auditor's report refused the Office's independent action without the Secretariat General's knowledge and its violation of the IIRO's administrative and financial regulations.	Interpreter mistranslation;
277:15-17	and furthermore, it was receiving letters of appreciation in relation to its operations.	Furthermore, it received letters of praise and appreciation from the concerned authorities in Indonesia.	Interpreter Omission

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281:21-282:2	And its constitution declares that very simply, and in all its publications. And all these documents were given to the lawyer. And when any lawyer wants to change the facts, he should have consulted with the concerned people before doing that.	The IIRO does not claim to be an instrument of the government of Saudi Arabia. And its constitution declares this very simply, in Arabic and in English, and these official publications were provided to the lawyer since the first day he was assigned. And when the lawyer, any lawyer, wants to change the facts, he must consult with the concerned people in this matter.	Interpreter Omission
283:21	cold	cowardly	Transcription Correction

I, Waleed Nassar, declare under penalty of perjury that the following statement is true as a matter of my personal knowledge:

I am a partner in the law firm Lewis Baach Kaufmann Middlemiss PLLC and co-counsel for Defendant Dr. Adnan Basha in this action. This firm has taken the lead on preparing the foregoing errata sheet, which was done under my direct supervision. With the assistance of an Arabic-speaking Associate and an Arabic-speaking Analyst, we reviewed the video and listened to the audio and compared the testimony to the transcript of Dr. Adnan Basha's deposition. All of the foregoing corrections are based on the review process described herein.

Executed on May 6, 2019



Waleed Nassar